

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Professional Regulation Law of
5 the Civil Administrative Code of Illinois is amended by
6 changing Sections 2105-15 and 2105-207 as follows:

7 (20 ILCS 2105/2105-15)

8 Sec. 2105-15. General powers and duties.

9 (a) The Department has, subject to the provisions of the
10 Civil Administrative Code of Illinois, the following powers and
11 duties:

12 (1) To authorize examinations in English to ascertain
13 the qualifications and fitness of applicants to exercise
14 the profession, trade, or occupation for which the
15 examination is held.

16 (2) To prescribe rules and regulations for a fair and
17 wholly impartial method of examination of candidates to
18 exercise the respective professions, trades, or
19 occupations.

20 (3) To pass upon the qualifications of applicants for
21 licenses, certificates, and authorities, whether by
22 examination, by reciprocity, or by endorsement.

23 (4) To prescribe rules and regulations defining, for

1 the respective professions, trades, and occupations, what
2 shall constitute a school, college, or university, or
3 department of a university, or other institution,
4 reputable and in good standing, and to determine the
5 reputability and good standing of a school, college, or
6 university, or department of a university, or other
7 institution, reputable and in good standing, by reference
8 to a compliance with those rules and regulations; provided,
9 that no school, college, or university, or department of a
10 university, or other institution that refuses admittance
11 to applicants solely on account of race, color, creed, sex,
12 or national origin shall be considered reputable and in
13 good standing.

14 (5) To conduct hearings on proceedings to revoke,
15 suspend, refuse to renew, place on probationary status, or
16 take other disciplinary action as authorized in any
17 licensing Act administered by the Department with regard to
18 licenses, certificates, or authorities of persons
19 exercising the respective professions, trades, or
20 occupations and to revoke, suspend, refuse to renew, place
21 on probationary status, or take other disciplinary action
22 as authorized in any licensing Act administered by the
23 Department with regard to those licenses, certificates, or
24 authorities. The Department shall issue a monthly
25 disciplinary report. ~~The Department shall deny any license~~
26 ~~or renewal authorized by the Civil Administrative Code of~~

1 ~~Illinois to any person who has defaulted on an educational~~
2 ~~loan or scholarship provided by or guaranteed by the~~
3 ~~Illinois Student Assistance Commission or any governmental~~
4 ~~agency of this State; however, the Department may issue a~~
5 ~~license or renewal if the aforementioned persons have~~
6 ~~established a satisfactory repayment record as determined~~
7 ~~by the Illinois Student Assistance Commission or other~~
8 ~~appropriate governmental agency of this State.~~

9 ~~Additionally, beginning June 1, 1996, any license issued by~~
10 ~~the Department may be suspended or revoked if the~~
11 ~~Department, after the opportunity for a hearing under the~~
12 ~~appropriate licensing Act, finds that the licensee has~~
13 ~~failed to make satisfactory repayment to the Illinois~~
14 ~~Student Assistance Commission for a delinquent or~~
15 ~~defaulted loan. For the purposes of this Section,~~
16 ~~"satisfactory repayment record" shall be defined by rule.~~

17 The Department shall refuse to issue or renew a license to,
18 or shall suspend or revoke a license of, any person who,
19 after receiving notice, fails to comply with a subpoena or
20 warrant relating to a paternity or child support
21 proceeding. However, the Department may issue a license or
22 renewal upon compliance with the subpoena or warrant.

23 The Department, without further process or hearings,
24 shall revoke, suspend, or deny any license or renewal
25 authorized by the Civil Administrative Code of Illinois to
26 a person who is certified by the Department of Healthcare

1 and Family Services (formerly Illinois Department of
2 Public Aid) as being more than 30 days delinquent in
3 complying with a child support order or who is certified by
4 a court as being in violation of the Non-Support Punishment
5 Act for more than 60 days. The Department may, however,
6 issue a license or renewal if the person has established a
7 satisfactory repayment record as determined by the
8 Department of Healthcare and Family Services (formerly
9 Illinois Department of Public Aid) or if the person is
10 determined by the court to be in compliance with the
11 Non-Support Punishment Act. The Department may implement
12 this paragraph as added by Public Act 89-6 through the use
13 of emergency rules in accordance with Section 5-45 of the
14 Illinois Administrative Procedure Act. For purposes of the
15 Illinois Administrative Procedure Act, the adoption of
16 rules to implement this paragraph shall be considered an
17 emergency and necessary for the public interest, safety,
18 and welfare.

19 (6) To transfer jurisdiction of any realty under the
20 control of the Department to any other department of the
21 State Government or to acquire or accept federal lands when
22 the transfer, acquisition, or acceptance is advantageous
23 to the State and is approved in writing by the Governor.

24 (7) To formulate rules and regulations necessary for
25 the enforcement of any Act administered by the Department.

26 (8) To exchange with the Department of Healthcare and

1 Family Services information that may be necessary for the
2 enforcement of child support orders entered pursuant to the
3 Illinois Public Aid Code, the Illinois Marriage and
4 Dissolution of Marriage Act, the Non-Support of Spouse and
5 Children Act, the Non-Support Punishment Act, the Revised
6 Uniform Reciprocal Enforcement of Support Act, the Uniform
7 Interstate Family Support Act, or the Illinois Parentage
8 Act of 1984. Notwithstanding any provisions in this Code to
9 the contrary, the Department of Professional Regulation
10 shall not be liable under any federal or State law to any
11 person for any disclosure of information to the Department
12 of Healthcare and Family Services (formerly Illinois
13 Department of Public Aid) under this paragraph (8) or for
14 any other action taken in good faith to comply with the
15 requirements of this paragraph (8).

16 (8.5) To accept continuing education credit for
17 mandated reporter training on how to recognize and report
18 child abuse offered by the Department of Children and
19 Family Services and completed by any person who holds a
20 professional license issued by the Department and who is a
21 mandated reporter under the Abused and Neglected Child
22 Reporting Act. The Department shall adopt any rules
23 necessary to implement this paragraph.

24 (9) To perform other duties prescribed by law.

25 (a-5) Except in ~~cases involving default on an educational~~
26 ~~loan or scholarship provided by or guaranteed by the Illinois~~

1 ~~Student Assistance Commission or any governmental agency of~~
2 ~~this State or in~~ cases involving delinquency in complying with
3 a child support order or violation of the Non-Support
4 Punishment Act, no person or entity whose license, certificate,
5 or authority has been revoked as authorized in any licensing
6 Act administered by the Department may apply for restoration of
7 that license, certification, or authority until 3 years after
8 the effective date of the revocation.

9 (b) The Department may, when a fee is payable to the
10 Department for a wall certificate of registration provided by
11 the Department of Central Management Services, require that
12 portion of the payment for printing and distribution costs be
13 made directly or through the Department to the Department of
14 Central Management Services for deposit into the Paper and
15 Printing Revolving Fund. The remainder shall be deposited into
16 the General Revenue Fund.

17 (c) For the purpose of securing and preparing evidence, and
18 for the purchase of controlled substances, professional
19 services, and equipment necessary for enforcement activities,
20 recoupment of investigative costs, and other activities
21 directed at suppressing the misuse and abuse of controlled
22 substances, including those activities set forth in Sections
23 504 and 508 of the Illinois Controlled Substances Act, the
24 Director and agents appointed and authorized by the Director
25 may expend sums from the Professional Regulation Evidence Fund
26 that the Director deems necessary from the amounts appropriated

1 for that purpose. Those sums may be advanced to the agent when
2 the Director deems that procedure to be in the public interest.
3 Sums for the purchase of controlled substances, professional
4 services, and equipment necessary for enforcement activities
5 and other activities as set forth in this Section shall be
6 advanced to the agent who is to make the purchase from the
7 Professional Regulation Evidence Fund on vouchers signed by the
8 Director. The Director and those agents are authorized to
9 maintain one or more commercial checking accounts with any
10 State banking corporation or corporations organized under or
11 subject to the Illinois Banking Act for the deposit and
12 withdrawal of moneys to be used for the purposes set forth in
13 this Section; provided, that no check may be written nor any
14 withdrawal made from any such account except upon the written
15 signatures of 2 persons designated by the Director to write
16 those checks and make those withdrawals. Vouchers for those
17 expenditures must be signed by the Director. All such
18 expenditures shall be audited by the Director, and the audit
19 shall be submitted to the Department of Central Management
20 Services for approval.

21 (d) Whenever the Department is authorized or required by
22 law to consider some aspect of criminal history record
23 information for the purpose of carrying out its statutory
24 powers and responsibilities, then, upon request and payment of
25 fees in conformance with the requirements of Section 2605-400
26 of the Department of State Police Law (20 ILCS 2605/2605-400),

1 the Department of State Police is authorized to furnish,
2 pursuant to positive identification, the information contained
3 in State files that is necessary to fulfill the request.

4 (e) The provisions of this Section do not apply to private
5 business and vocational schools as defined by Section 15 of the
6 Private Business and Vocational Schools Act of 2012.

7 (f) Beginning July 1, 1995, this Section does not apply to
8 those professions, trades, and occupations licensed under the
9 Real Estate License Act of 2000, nor does it apply to any
10 permits, certificates, or other authorizations to do business
11 provided for in the Land Sales Registration Act of 1989 or the
12 Illinois Real Estate Time-Share Act.

13 (g) Notwithstanding anything that may appear in any
14 individual licensing statute or administrative rule, the
15 Department shall deny any license application or renewal
16 authorized under any licensing Act administered by the
17 Department to any person who has failed to file a return, or to
18 pay the tax, penalty, or interest shown in a filed return, or
19 to pay any final assessment of tax, penalty, or interest, as
20 required by any tax Act administered by the Illinois Department
21 of Revenue, until such time as the requirement of any such tax
22 Act are satisfied; however, the Department may issue a license
23 or renewal if the person has established a satisfactory
24 repayment record as determined by the Illinois Department of
25 Revenue. For the purpose of this Section, "satisfactory
26 repayment record" shall be defined by rule.

1 In addition, a complaint filed with the Department by the
2 Illinois Department of Revenue that includes a certification,
3 signed by its Director or designee, attesting to the amount of
4 the unpaid tax liability or the years for which a return was
5 not filed, or both, is prima facie evidence of the licensee's
6 failure to comply with the tax laws administered by the
7 Illinois Department of Revenue. Upon receipt of that
8 certification, the Department shall, without a hearing,
9 immediately suspend all licenses held by the licensee.
10 Enforcement of the Department's order shall be stayed for 60
11 days. The Department shall provide notice of the suspension to
12 the licensee by mailing a copy of the Department's order by
13 certified and regular mail to the licensee's last known address
14 as registered with the Department. The notice shall advise the
15 licensee that the suspension shall be effective 60 days after
16 the issuance of the Department's order unless the Department
17 receives, from the licensee, a request for a hearing before the
18 Department to dispute the matters contained in the order.

19 Any suspension imposed under this subsection (g) shall be
20 terminated by the Department upon notification from the
21 Illinois Department of Revenue that the licensee is in
22 compliance with all tax laws administered by the Illinois
23 Department of Revenue.

24 The Department shall promulgate rules for the
25 administration of this subsection (g).

26 (h) The Department may grant the title "Retired", to be

1 used immediately adjacent to the title of a profession
2 regulated by the Department, to eligible retirees. The use of
3 the title "Retired" shall not constitute representation of
4 current licensure, registration, or certification. Any person
5 without an active license, registration, or certificate in a
6 profession that requires licensure, registration, or
7 certification shall not be permitted to practice that
8 profession.

9 (i) Within 180 days after December 23, 2009 (the effective
10 date of Public Act 96-852), the Department shall promulgate
11 rules which permit a person with a criminal record, who seeks a
12 license or certificate in an occupation for which a criminal
13 record is not expressly a per se bar, to apply to the
14 Department for a non-binding, advisory opinion to be provided
15 by the Board or body with the authority to issue the license or
16 certificate as to whether his or her criminal record would bar
17 the individual from the licensure or certification sought,
18 should the individual meet all other licensure requirements
19 including, but not limited to, the successful completion of the
20 relevant examinations.

21 (Source: P.A. 97-650, eff. 2-1-12; 98-756, eff. 7-16-14;
22 98-850, eff. 1-1-15.)

23 (20 ILCS 2105/2105-207)

24 Sec. 2105-207. Records of Department actions.

25 (a) Any licensee subject to a licensing Act administered by

1 the Division of Professional Regulation and who has been
2 subject to disciplinary action by the Department may file an
3 application with the Department on forms provided by the
4 Department, along with the required fee of \$200, to have the
5 records classified as confidential, not for public release and
6 considered expunged for reporting purposes if:

7 (1) the application is submitted more than 7 years
8 after the disciplinary offense or offenses occurred;

9 (2) the licensee has had no incidents of discipline
10 under the licensing Act since the disciplinary offense or
11 offenses identified in the application occurred;

12 (3) the Department has no pending investigations
13 against the licensee; and

14 (4) the licensee is not currently in a disciplinary
15 status.

16 (b) An application to make disciplinary records
17 confidential shall only be considered by the Department for an
18 offense or action relating to:

19 (1) failure to pay taxes ~~or student loans~~;

20 (2) continuing education;

21 (3) failure to renew a license on time;

22 (4) failure to obtain or renew a certificate of
23 registration or ancillary license;

24 (5) advertising; or

25 (6) any grounds for discipline removed from the
26 licensing Act.

1 (c) An application shall be submitted to and considered by
2 the Director of the Division of Professional Regulation upon
3 submission of an application and the required non-refundable
4 fee. The Department may establish additional requirements by
5 rule. The Department is not required to report the removal of
6 any disciplinary record to any national database. Nothing in
7 this Section shall prohibit the Department from using a
8 previous discipline for any regulatory purpose or from
9 releasing records of a previous discipline upon request from
10 law enforcement, or other governmental body as permitted by
11 law. Classification of records as confidential shall result in
12 removal of records of discipline from records kept pursuant to
13 Sections 2105-200 and 2105-205 of this Act.

14 (Source: P.A. 98-816, eff. 8-1-14.)

15 (20 ILCS 3310/80 rep.)

16 Section 10. The Nuclear Safety Law of 2004 is amended by
17 repealing Section 80.

18 Section 15. The School Code is amended by changing Section
19 21B-75 as follows:

20 (105 ILCS 5/21B-75)

21 Sec. 21B-75. Suspension or revocation of license.

22 (a) As used in this Section, "teacher" means any school
23 district employee regularly required to be licensed, as

1 provided in this Article, in order to teach or supervise in the
2 public schools.

3 (b) The State Superintendent of Education has the exclusive
4 authority, in accordance with this Section and any rules
5 adopted by the State Board of Education, in consultation with
6 the State Educator Preparation and Licensure Board, to initiate
7 the suspension of up to 5 calendar years or revocation of any
8 license issued pursuant to this Article for abuse or neglect of
9 a child, immorality, a condition of health detrimental to the
10 welfare of pupils, incompetency, unprofessional conduct (which
11 includes the failure to disclose on an employment application
12 any previous conviction for a sex offense, as defined in
13 Section 21B-80 of this Code, or any other offense committed in
14 any other state or against the laws of the United States that,
15 if committed in this State, would be punishable as a sex
16 offense, as defined in Section 21B-80 of this Code), the
17 neglect of any professional duty, willful failure to report an
18 instance of suspected child abuse or neglect as required by the
19 Abused and Neglected Child Reporting Act, ~~failure to establish~~
20 ~~satisfactory repayment on an educational loan guaranteed by the~~
21 ~~Illinois Student Assistance Commission,~~ or other just cause.
22 Unprofessional conduct shall include the refusal to attend or
23 participate in institutes, teachers' meetings, or professional
24 readings or to meet other reasonable requirements of the
25 regional superintendent of schools or State Superintendent of
26 Education. Unprofessional conduct also includes conduct that

1 violates the standards, ethics, or rules applicable to the
2 security, administration, monitoring, or scoring of or the
3 reporting of scores from any assessment test or examination
4 administered under Section 2-3.64a-5 of this Code or that is
5 known or intended to produce or report manipulated or
6 artificial, rather than actual, assessment or achievement
7 results or gains from the administration of those tests or
8 examinations. Unprofessional conduct shall also include
9 neglect or unnecessary delay in the making of statistical and
10 other reports required by school officers. Incompetency shall
11 include, without limitation, 2 or more school terms of service
12 for which the license holder has received an unsatisfactory
13 rating on a performance evaluation conducted pursuant to
14 Article 24A of this Code within a period of 7 school terms of
15 service. In determining whether to initiate action against one
16 or more licenses based on incompetency and the recommended
17 sanction for such action, the State Superintendent shall
18 consider factors that include without limitation all of the
19 following:

20 (1) Whether the unsatisfactory evaluation ratings
21 occurred prior to June 13, 2011 (the effective date of
22 Public Act 97-8).

23 (2) Whether the unsatisfactory evaluation ratings
24 occurred prior to or after the implementation date, as
25 defined in Section 24A-2.5 of this Code, of an evaluation
26 system for teachers in a school district.

1 (3) Whether the evaluator or evaluators who performed
2 an unsatisfactory evaluation met the pre-licensure and
3 training requirements set forth in Section 24A-3 of this
4 Code.

5 (4) The time between the unsatisfactory evaluation
6 ratings.

7 (5) The quality of the remediation plans associated
8 with the unsatisfactory evaluation ratings and whether the
9 license holder successfully completed the remediation
10 plans.

11 (6) Whether the unsatisfactory evaluation ratings were
12 related to the same or different assignments performed by
13 the license holder.

14 (7) Whether one or more of the unsatisfactory
15 evaluation ratings occurred in the first year of a teaching
16 or administrative assignment.

17 When initiating an action against one or more licenses, the
18 State Superintendent may seek required professional
19 development as a sanction in lieu of or in addition to
20 suspension or revocation. Any such required professional
21 development must be at the expense of the license holder, who
22 may use, if available and applicable to the requirements
23 established by administrative or court order, training,
24 coursework, or other professional development funds in
25 accordance with the terms of an applicable collective
26 bargaining agreement entered into after June 13, 2011 (the

1 effective date of Public Act 97-8), unless that agreement
2 specifically precludes use of funds for such purpose.

3 (c) The State Superintendent of Education shall, upon
4 receipt of evidence of abuse or neglect of a child, immorality,
5 a condition of health detrimental to the welfare of pupils,
6 incompetency (subject to subsection (b) of this Section),
7 unprofessional conduct, the neglect of any professional duty,
8 or other just cause, further investigate and, if and as
9 appropriate, serve written notice to the individual and afford
10 the individual opportunity for a hearing prior to suspension,
11 revocation, or other sanction; provided that the State
12 Superintendent is under no obligation to initiate such an
13 investigation if the Department of Children and Family Services
14 is investigating the same or substantially similar allegations
15 and its child protective service unit has not made its
16 determination, as required under Section 7.12 of the Abused and
17 Neglected Child Reporting Act. If the State Superintendent of
18 Education does not receive from an individual a request for a
19 hearing within 10 days after the individual receives notice,
20 the suspension, revocation, or other sanction shall
21 immediately take effect in accordance with the notice. If a
22 hearing is requested within 10 days after notice of an
23 opportunity for hearing, it shall act as a stay of proceedings
24 until the State Educator Preparation and Licensure Board issues
25 a decision. Any hearing shall take place in the educational
26 service region where the educator is or was last employed and

1 in accordance with rules adopted by the State Board of
2 Education, in consultation with the State Educator Preparation
3 and Licensure Board, and such rules shall include without
4 limitation provisions for discovery and the sharing of
5 information between parties prior to the hearing. The standard
6 of proof for any administrative hearing held pursuant to this
7 Section shall be by the preponderance of the evidence. The
8 decision of the State Educator Preparation and Licensure Board
9 is a final administrative decision and is subject to judicial
10 review by appeal of either party.

11 The State Board of Education may refuse to issue or may
12 suspend the license of any person who fails to file a return or
13 to pay the tax, penalty, or interest shown in a filed return or
14 to pay any final assessment of tax, penalty, or interest, as
15 required by any tax Act administered by the Department of
16 Revenue, until such time as the requirements of any such tax
17 Act are satisfied.

18 The exclusive authority of the State Superintendent of
19 Education to initiate suspension or revocation of a license
20 pursuant to this Section does not preclude a regional
21 superintendent of schools from cooperating with the State
22 Superintendent or a State's Attorney with respect to an
23 investigation of alleged misconduct.

24 (d) The State Superintendent of Education or his or her
25 designee may initiate and conduct such investigations as may be
26 reasonably necessary to establish the existence of any alleged

1 misconduct. At any stage of the investigation, the State
2 Superintendent may issue a subpoena requiring the attendance
3 and testimony of a witness, including the license holder, and
4 the production of any evidence, including files, records,
5 correspondence, or documents, relating to any matter in
6 question in the investigation. The subpoena shall require a
7 witness to appear at the State Board of Education at a
8 specified date and time and shall specify any evidence to be
9 produced. The license holder is not entitled to be present, but
10 the State Superintendent shall provide the license holder with
11 a copy of any recorded testimony prior to a hearing under this
12 Section. Such recorded testimony must not be used as evidence
13 at a hearing, unless the license holder has adequate notice of
14 the testimony and the opportunity to cross-examine the witness.
15 Failure of a license holder to comply with a duly issued,
16 investigatory subpoena may be grounds for revocation,
17 suspension, or denial of a license.

18 (e) All correspondence, documentation, and other
19 information so received by the regional superintendent of
20 schools, the State Superintendent of Education, the State Board
21 of Education, or the State Educator Preparation and Licensure
22 Board under this Section is confidential and must not be
23 disclosed to third parties, except (i) as necessary for the
24 State Superintendent of Education or his or her designee to
25 investigate and prosecute pursuant to this Article, (ii)
26 pursuant to a court order, (iii) for disclosure to the license

1 holder or his or her representative, or (iv) as otherwise
2 required in this Article and provided that any such information
3 admitted into evidence in a hearing is exempt from this
4 confidentiality and non-disclosure requirement.

5 (f) The State Superintendent of Education or a person
6 designated by him or her shall have the power to administer
7 oaths to witnesses at any hearing conducted before the State
8 Educator Preparation and Licensure Board pursuant to this
9 Section. The State Superintendent of Education or a person
10 designated by him or her is authorized to subpoena and bring
11 before the State Educator Preparation and Licensure Board any
12 person in this State and to take testimony either orally or by
13 deposition or by exhibit, with the same fees and mileage and in
14 the same manner as prescribed by law in judicial proceedings in
15 civil cases in circuit courts of this State.

16 (g) Any circuit court, upon the application of the State
17 Superintendent of Education or the license holder, may, by
18 order duly entered, require the attendance of witnesses and the
19 production of relevant books and papers as part of any
20 investigation or at any hearing the State Educator Preparation
21 and Licensure Board is authorized to conduct pursuant to this
22 Section, and the court may compel obedience to its orders by
23 proceedings for contempt.

24 (h) The State Board of Education shall receive an annual
25 line item appropriation to cover fees associated with the
26 investigation and prosecution of alleged educator misconduct

1 and hearings related thereto.

2 (Source: P.A. 97-607, eff. 8-26-11; incorporates 97-8, eff.
3 6-13-11; 97-813, eff. 7-13-12; 98-972, eff. 8-15-14.)

4 Section 20. The Illinois Insurance Code is amended by
5 changing Section 500-70 as follows:

6 (215 ILCS 5/500-70)

7 (Section scheduled to be repealed on January 1, 2017)

8 Sec. 500-70. License denial, nonrenewal, or revocation.

9 (a) The Director may place on probation, suspend, revoke,
10 or refuse to issue or renew an insurance producer's license or
11 may levy a civil penalty in accordance with this Section or
12 take any combination of actions, for any one or more of the
13 following causes:

14 (1) providing incorrect, misleading, incomplete, or
15 materially untrue information in the license application;

16 (2) violating any insurance laws, or violating any
17 rule, subpoena, or order of the Director or of another
18 state's insurance commissioner;

19 (3) obtaining or attempting to obtain a license through
20 misrepresentation or fraud;

21 (4) improperly withholding, misappropriating or
22 converting any moneys or properties received in the course
23 of doing insurance business;

24 (5) intentionally misrepresenting the terms of an

1 actual or proposed insurance contract or application for
2 insurance;

3 (6) having been convicted of a felony;

4 (7) having admitted or been found to have committed any
5 insurance unfair trade practice or fraud;

6 (8) using fraudulent, coercive, or dishonest
7 practices, or demonstrating incompetence,
8 untrustworthiness or financial irresponsibility in the
9 conduct of business in this State or elsewhere;

10 (9) having an insurance producer license, or its
11 equivalent, denied, suspended, or revoked in any other
12 state, province, district or territory;

13 (10) forging a name to an application for insurance or
14 to a document related to an insurance transaction;

15 (11) improperly using notes or any other reference
16 material to complete an examination for an insurance
17 license;

18 (12) knowingly accepting insurance business from an
19 individual who is not licensed;

20 (13) failing to comply with an administrative or court
21 order imposing a child support obligation;

22 (14) failing to pay state income tax or penalty or
23 interest or comply with any administrative or court order
24 directing payment of state income tax or failed to file a
25 return or to pay any final assessment of any tax due to the
26 Department of Revenue;

1 (15) (blank) ~~failing to make satisfactory repayment to~~
2 ~~the Illinois Student Assistance Commission for a~~
3 ~~delinquent or defaulted student loan; or~~

4 (16) failing to comply with any provision of the
5 Viatical Settlements Act of 2009.

6 (b) If the action by the Director is to nonrenew, suspend,
7 or revoke a license or to deny an application for a license,
8 the Director shall notify the applicant or licensee and advise,
9 in writing, the applicant or licensee of the reason for the
10 suspension, revocation, denial or nonrenewal of the
11 applicant's or licensee's license. The applicant or licensee
12 may make written demand upon the Director within 30 days after
13 the date of mailing for a hearing before the Director to
14 determine the reasonableness of the Director's action. The
15 hearing must be held within not fewer than 20 days nor more
16 than 30 days after the mailing of the notice of hearing and
17 shall be held pursuant to 50 Ill. Adm. Code 2402.

18 (c) The license of a business entity may be suspended,
19 revoked, or refused if the Director finds, after hearing, that
20 an individual licensee's violation was known or should have
21 been known by one or more of the partners, officers, or
22 managers acting on behalf of the partnership, corporation,
23 limited liability company, or limited liability partnership
24 and the violation was neither reported to the Director nor
25 corrective action taken.

26 (d) In addition to or instead of any applicable denial,

1 suspension, or revocation of a license, a person may, after
2 hearing, be subject to a civil penalty of up to \$10,000 for
3 each cause for denial, suspension, or revocation, however, the
4 civil penalty may total no more than \$100,000.

5 (e) The Director has the authority to enforce the
6 provisions of and impose any penalty or remedy authorized by
7 this Article against any person who is under investigation for
8 or charged with a violation of this Code or rules even if the
9 person's license or registration has been surrendered or has
10 lapsed by operation of law.

11 (f) Upon the suspension, denial, or revocation of a
12 license, the licensee or other person having possession or
13 custody of the license shall promptly deliver it to the
14 Director in person or by mail. The Director shall publish all
15 suspensions, denials, or revocations after the suspensions,
16 denials, or revocations become final in a manner designed to
17 notify interested insurance companies and other persons.

18 (g) A person whose license is revoked or whose application
19 is denied pursuant to this Section is ineligible to apply for
20 any license for 3 years after the revocation or denial. A
21 person whose license as an insurance producer has been revoked,
22 suspended, or denied may not be employed, contracted, or
23 engaged in any insurance related capacity during the time the
24 revocation, suspension, or denial is in effect.

25 (Source: P.A. 96-736, eff. 7-1-10.)

1 Section 25. The Dietitian Nutritionist Practice Act is
2 amended by changing Section 95 as follows:

3 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

4 (Section scheduled to be repealed on January 1, 2023)

5 Sec. 95. Grounds for discipline.

6 (1) The Department may refuse to issue or renew, or may
7 revoke, suspend, place on probation, reprimand, or take other
8 disciplinary or non-disciplinary action as the Department may
9 deem appropriate, including imposing fines not to exceed
10 \$10,000 for each violation, with regard to any license or
11 certificate for any one or combination of the following causes:

12 (a) Material misstatement in furnishing information to
13 the Department.

14 (b) Violations of this Act or of rules adopted under
15 this Act.

16 (c) Conviction by plea of guilty or nolo contendere,
17 finding of guilt, jury verdict, or entry of judgment or by
18 sentencing of any crime, including, but not limited to,
19 convictions, preceding sentences of supervision,
20 conditional discharge, or first offender probation, under
21 the laws of any jurisdiction of the United States (i) that
22 is a felony or (ii) that is a misdemeanor, an essential
23 element of which is dishonesty, or that is directly related
24 to the practice of the profession.

25 (d) Fraud or any misrepresentation in applying for or

1 procuring a license under this Act or in connection with
2 applying for renewal of a license under this Act.

3 (e) Professional incompetence or gross negligence.

4 (f) Malpractice.

5 (g) Aiding or assisting another person in violating any
6 provision of this Act or its rules.

7 (h) Failing to provide information within 60 days in
8 response to a written request made by the Department.

9 (i) Engaging in dishonorable, unethical or
10 unprofessional conduct of a character likely to deceive,
11 defraud, or harm the public.

12 (j) Habitual or excessive use or abuse of drugs defined
13 in law as controlled substances, alcohol, or any other
14 substance that results in the inability to practice with
15 reasonable judgment, skill, or safety.

16 (k) Discipline by another state, the District of
17 Columbia, territory, country, or governmental agency if at
18 least one of the grounds for the discipline is the same or
19 substantially equivalent to those set forth in this Act.

20 (l) Charging for professional services not rendered,
21 including filing false statements for the collection of
22 fees for which services are not rendered. Nothing in this
23 paragraph (l) affects any bona fide independent contractor
24 or employment arrangements among health care
25 professionals, health facilities, health care providers,
26 or other entities, except as otherwise prohibited by law.

1 Any employment arrangements may include provisions for
2 compensation, health insurance, pension, or other
3 employment benefits for the provision of services within
4 the scope of the licensee's practice under this Act.
5 Nothing in this paragraph (1) shall be construed to require
6 an employment arrangement to receive professional fees for
7 services rendered.

8 (m) A finding by the Department that the licensee,
9 after having his or her license placed on probationary
10 status, has violated the terms of probation.

11 (n) Willfully making or filing false records or reports
12 in his or her practice, including, but not limited to,
13 false records filed with State agencies or departments.

14 (o) Allowing one's license under this Act to be used by
15 an unlicensed person in violation of this Act.

16 (p) Practicing under a false or, except as provided by
17 law, an assumed name.

18 (q) Gross and willful overcharging for professional
19 services.

20 (r) (Blank).

21 (s) Willfully failing to report an instance of
22 suspected child abuse or neglect as required by the Abused
23 and Neglected Child Reporting Act.

24 (t) Cheating on or attempting to subvert a licensing
25 examination administered under this Act.

26 (u) Mental illness or disability that results in the

1 inability to practice under this Act with reasonable
2 judgment, skill, or safety.

3 (v) Physical illness, including, but not limited to,
4 deterioration through the aging process or loss of motor
5 skill that results in a licensee's inability to practice
6 under this Act with reasonable judgment, skill, or safety.

7 (w) Advising an individual to discontinue, reduce,
8 increase, or otherwise alter the intake of a drug
9 prescribed by a physician licensed to practice medicine in
10 all its branches or by a prescriber as defined in Section
11 102 of the Illinois Controlled Substances Act.

12 (2) The Department may refuse to issue or may suspend
13 without hearing, as provided for in the Code of Civil
14 Procedure, the license of any person who fails to file a
15 return, or pay the tax, penalty, or interest shown in a filed
16 return, or pay any final assessment of the tax, penalty, or
17 interest as required by any tax Act administered by the
18 Illinois Department of Revenue, until such time as the
19 requirements of any such tax Act are satisfied in accordance
20 with subsection (g) of Section 2105-15 of the Civil
21 Administrative Code of Illinois.

22 (3) (Blank) ~~The Department shall deny a license or renewal~~
23 ~~authorized by this Act to a person who has defaulted on an~~
24 ~~educational loan or scholarship provided or guaranteed by the~~
25 ~~Illinois Student Assistance Commission or any governmental~~
26 ~~agency of this State in accordance with item (5) of subsection~~

1 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~
2 ~~Illinois.~~

3 (4) In cases where the Department of Healthcare and Family
4 Services has previously determined a licensee or a potential
5 licensee is more than 30 days delinquent in the payment of
6 child support and has subsequently certified the delinquency to
7 the Department, the Department may refuse to issue or renew or
8 may revoke or suspend that person's license or may take other
9 disciplinary action against that person based solely upon the
10 certification of delinquency made by the Department of
11 Healthcare and Family Services in accordance with item (5) of
12 subsection (a) of Section 2105-15 of the Civil Administrative
13 Code of Illinois.

14 (5) The determination by a circuit court that a licensee is
15 subject to involuntary admission or judicial admission, as
16 provided in the Mental Health and Developmental Disabilities
17 Code, operates as an automatic suspension. The suspension shall
18 end only upon a finding by a court that the patient is no
19 longer subject to involuntary admission or judicial admission
20 and the issuance of an order so finding and discharging the
21 patient.

22 (6) In enforcing this Act, the Department, upon a showing
23 of a possible violation, may compel an individual licensed to
24 practice under this Act, or who has applied for licensure under
25 this Act, to submit to a mental or physical examination, or
26 both, as required by and at the expense of the Department. The

1 Department may order the examining physician to present
2 testimony concerning the mental or physical examination of the
3 licensee or applicant. No information shall be excluded by
4 reason of any common law or statutory privilege relating to
5 communications between the licensee or applicant and the
6 examining physician. The examining physicians shall be
7 specifically designated by the Department. The individual to be
8 examined may have, at his or her own expense, another physician
9 of his or her choice present during all aspects of this
10 examination. The examination shall be performed by a physician
11 licensed to practice medicine in all its branches. Failure of
12 an individual to submit to a mental or physical examination,
13 when directed, shall result in an automatic suspension without
14 hearing.

15 A person holding a license under this Act or who has
16 applied for a license under this Act who, because of a physical
17 or mental illness or disability, including, but not limited to,
18 deterioration through the aging process or loss of motor skill,
19 is unable to practice the profession with reasonable judgment,
20 skill, or safety, may be required by the Department to submit
21 to care, counseling, or treatment by physicians approved or
22 designated by the Department as a condition, term, or
23 restriction for continued, reinstated, or renewed licensure to
24 practice. Submission to care, counseling, or treatment as
25 required by the Department shall not be considered discipline
26 of a license. If the licensee refuses to enter into a care,

1 counseling, or treatment agreement or fails to abide by the
2 terms of the agreement, then the Department may file a
3 complaint to revoke, suspend, or otherwise discipline the
4 license of the individual. The Secretary may order the license
5 suspended immediately, pending a hearing by the Department.
6 Fines shall not be assessed in disciplinary actions involving
7 physical or mental illness or impairment.

8 In instances in which the Secretary immediately suspends a
9 person's license under this Section, a hearing on that person's
10 license must be convened by the Department within 15 days after
11 the suspension and completed without appreciable delay. The
12 Department shall have the authority to review the subject
13 individual's record of treatment and counseling regarding the
14 impairment to the extent permitted by applicable federal
15 statutes and regulations safeguarding the confidentiality of
16 medical records.

17 An individual licensed under this Act and affected under
18 this Section shall be afforded an opportunity to demonstrate to
19 the Department that he or she can resume practice in compliance
20 with acceptable and prevailing standards under the provisions
21 of his or her license.

22 (Source: P.A. 97-1141, eff. 12-28-12; 98-148, eff. 8-2-13;
23 98-756, eff. 7-16-14.)

24 Section 30. The Environmental Health Practitioner
25 Licensing Act is amended by changing Section 35 as follows:

1 (225 ILCS 37/35)

2 (Section scheduled to be repealed on January 1, 2019)

3 Sec. 35. Grounds for discipline.

4 (a) The Department may refuse to issue or renew, or may
5 revoke, suspend, place on probation, reprimand, or take other
6 disciplinary action with regard to any license issued under
7 this Act as the Department may consider proper, including the
8 imposition of fines not to exceed \$5,000 for each violation,
9 for any one or combination of the following causes:

10 (1) Material misstatement in furnishing information to
11 the Department.

12 (2) Violations of this Act or its rules.

13 (3) Conviction of any felony under the laws of any U.S.
14 jurisdiction, any misdemeanor an essential element of
15 which is dishonesty, or any crime that is directly related
16 to the practice of the profession.

17 (4) Making any misrepresentation for the purpose of
18 obtaining a certificate of registration.

19 (5) Professional incompetence.

20 (6) Aiding or assisting another person in violating any
21 provision of this Act or its rules.

22 (7) Failing to provide information within 60 days in
23 response to a written request made by the Department.

24 (8) Engaging in dishonorable, unethical, or
25 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public as defined by rules of the
2 Department.

3 (9) Habitual or excessive use or addiction to alcohol,
4 narcotics, stimulants, or any other chemical agent or drug
5 that results in an environmental health practitioner's
6 inability to practice with reasonable judgment, skill, or
7 safety.

8 (10) Discipline by another U.S. jurisdiction or
9 foreign nation, if at least one of the grounds for a
10 discipline is the same or substantially equivalent to those
11 set forth in this Act.

12 (11) A finding by the Department that the registrant,
13 after having his or her license placed on probationary
14 status, has violated the terms of probation.

15 (12) Willfully making or filing false records or
16 reports in his or her practice, including, but not limited
17 to, false records filed with State agencies or departments.

18 (13) Physical illness, including, but not limited to,
19 deterioration through the aging process or loss of motor
20 skills that result in the inability to practice the
21 profession with reasonable judgment, skill, or safety.

22 (14) Failure to comply with rules promulgated by the
23 Illinois Department of Public Health or other State
24 agencies related to the practice of environmental health.

25 (15) (Blank) ~~The Department shall deny any application~~
26 ~~for a license or renewal of a license under this Act,~~

1 ~~without hearing, to a person who has defaulted on an~~
2 ~~educational loan guaranteed by the Illinois Student~~
3 ~~Assistance Commission; however, the Department may issue a~~
4 ~~license or renewal of a license if the person in default~~
5 ~~has established a satisfactory repayment record as~~
6 ~~determined by the Illinois Student Assistance Commission.~~

7 (16) Solicitation of professional services by using
8 false or misleading advertising.

9 (17) A finding that the license has been applied for or
10 obtained by fraudulent means.

11 (18) Practicing or attempting to practice under a name
12 other than the full name as shown on the license or any
13 other legally authorized name.

14 (19) Gross overcharging for professional services
15 including filing statements for collection of fees or
16 moneys for which services are not rendered.

17 (b) The Department may refuse to issue or may suspend the
18 license of any person who fails to (i) file a return, (ii) pay
19 the tax, penalty, or interest shown in a filed return; or (iii)
20 pay any final assessment of the tax, penalty, or interest as
21 required by any tax Act administered by the Illinois Department
22 of Revenue until the requirements of the tax Act are satisfied.

23 (c) The determination by a circuit court that a licensee is
24 subject to involuntary admission or judicial admission to a
25 mental health facility as provided in the Mental Health and
26 Developmental Disabilities Code operates as an automatic

1 suspension. The suspension may end only upon a finding by a
2 court that the licensee is no longer subject to involuntary
3 admission or judicial admission, the issuance of an order so
4 finding and discharging the patient, and the recommendation of
5 the Board to the Director that the licensee be allowed to
6 resume practice.

7 (d) In enforcing this Section, the Department, upon a
8 showing of a possible violation, may compel any person licensed
9 to practice under this Act or who has applied for licensure or
10 certification pursuant to this Act to submit to a mental or
11 physical examination, or both, as required by and at the
12 expense of the Department. The examining physicians shall be
13 those specifically designated by the Department. The
14 Department may order the examining physician to present
15 testimony concerning this mental or physical examination of the
16 licensee or applicant. No information shall be excluded by
17 reason of any common law or statutory privilege relating to
18 communications between the licensee or applicant and the
19 examining physician. The person to be examined may have, at his
20 or her own expense, another physician of his or her choice
21 present during all aspects of the examination. Failure of any
22 person to submit to a mental or physical examination, when
23 directed, shall be grounds for suspension of a license until
24 the person submits to the examination if the Department finds,
25 after notice and hearing, that the refusal to submit to the
26 examination was without reasonable cause.

1 If the Department finds an individual unable to practice
2 because of the reasons set forth in this Section, the
3 Department may require that individual to submit to care,
4 counseling, or treatment by physicians approved or designated
5 by the Department, as a condition, term, or restriction for
6 continued, reinstated, or renewed licensure to practice or, in
7 lieu of care, counseling, or treatment, the Department may file
8 a complaint to immediately suspend, revoke, or otherwise
9 discipline the license of the individual.

10 Any person whose license was granted, continued,
11 reinstated, renewed, disciplined, or supervised subject to
12 such terms, conditions, or restrictions and who fails to comply
13 with such terms, conditions, or restrictions shall be referred
14 to the Director for a determination as to whether the person
15 shall have his or her license suspended immediately, pending a
16 hearing by the Department.

17 In instances in which the Director immediately suspends a
18 person's license under this Section, a hearing on that person's
19 license must be convened by the Department within 15 days after
20 the suspension and completed without appreciable delay. The
21 Department shall have the authority to review the subject
22 person's record of treatment and counseling regarding the
23 impairment, to the extent permitted by applicable federal
24 statutes and regulations safeguarding the confidentiality of
25 medical records.

26 A person licensed under this Act and affected under this

1 Section shall be afforded an opportunity to demonstrate to the
2 Department that he or she can resume practice in compliance
3 with acceptable and prevailing standards under the provisions
4 of his or her license.

5 (Source: P.A. 92-837, eff. 8-22-02.)

6 Section 35. The Funeral Directors and Embalmers Licensing
7 Code is amended by changing Section 15-75 as follows:

8 (225 ILCS 41/15-75)

9 (Section scheduled to be repealed on January 1, 2023)

10 Sec. 15-75. Violations; grounds for discipline; penalties.

11 (a) Each of the following acts is a Class A misdemeanor for
12 the first offense, and a Class 4 felony for each subsequent
13 offense. These penalties shall also apply to unlicensed owners
14 of funeral homes.

15 (1) Practicing the profession of funeral directing and
16 embalming or funeral directing, or attempting to practice
17 the profession of funeral directing and embalming or
18 funeral directing without a license as a funeral director
19 and embalmer or funeral director.

20 (2) Serving or attempting to serve as an intern under a
21 licensed funeral director and embalmer without a license as
22 a licensed funeral director and embalmer intern.

23 (3) Obtaining or attempting to obtain a license,
24 practice or business, or any other thing of value, by fraud

1 or misrepresentation.

2 (4) Permitting any person in one's employ, under one's
3 control or in or under one's service to serve as a funeral
4 director and embalmer, funeral director, or funeral
5 director and embalmer intern when the person does not have
6 the appropriate license.

7 (5) Failing to display a license as required by this
8 Code.

9 (6) Giving false information or making a false oath or
10 affidavit required by this Code.

11 (b) The Department may refuse to issue or renew, revoke,
12 suspend, place on probation or administrative supervision,
13 reprimand, or take other disciplinary or non-disciplinary
14 action as the Department may deem appropriate, including
15 imposing fines not to exceed \$10,000 for each violation, with
16 regard to any license under the Code for any one or combination
17 of the following:

18 (1) Fraud or any misrepresentation in applying for or
19 procuring a license under this Code or in connection with
20 applying for renewal of a license under this Code.

21 (2) Conviction by plea of guilty or nolo contendere,
22 finding of guilt, jury verdict, or entry of judgment or by
23 sentencing of any crime, including, but not limited to,
24 convictions, preceding sentences of supervision,
25 conditional discharge, or first offender probation, under
26 the laws of any jurisdiction of the United States: (i) that

1 is a felony or (ii) that is a misdemeanor, an essential
2 element of which is dishonesty, or that is directly related
3 to the practice of the profession.

4 (3) Violation of the laws of this State relating to the
5 funeral, burial or disposition of deceased human bodies or
6 of the rules and regulations of the Department, or the
7 Department of Public Health.

8 (4) Directly or indirectly paying or causing to be paid
9 any sum of money or other valuable consideration for the
10 securing of business or for obtaining authority to dispose
11 of any deceased human body.

12 (5) Professional incompetence, gross negligence,
13 malpractice, or untrustworthiness in the practice of
14 funeral directing and embalming or funeral directing.

15 (6) (Blank).

16 (7) Engaging in, promoting, selling, or issuing burial
17 contracts, burial certificates, or burial insurance
18 policies in connection with the profession as a funeral
19 director and embalmer, funeral director, or funeral
20 director and embalmer intern in violation of any laws of
21 the State of Illinois.

22 (8) Refusing, without cause, to surrender the custody
23 of a deceased human body upon the proper request of the
24 person or persons lawfully entitled to the custody of the
25 body.

26 (9) Taking undue advantage of a client or clients as to

1 amount to the perpetration of fraud.

2 (10) Engaging in funeral directing and embalming or
3 funeral directing without a license.

4 (11) Encouraging, requesting, or suggesting by a
5 licensee or some person working on his behalf and with his
6 consent for compensation that a person utilize the services
7 of a certain funeral director and embalmer, funeral
8 director, or funeral establishment unless that information
9 has been expressly requested by the person. This does not
10 prohibit general advertising or pre-need solicitation.

11 (12) Making or causing to be made any false or
12 misleading statements about the laws concerning the
13 disposition of human remains, including, but not limited
14 to, the need to embalm, the need for a casket for cremation
15 or the need for an outer burial container.

16 (13) (Blank).

17 (14) Embalming or attempting to embalm a deceased human
18 body without express prior authorization of the person
19 responsible for making the funeral arrangements for the
20 body. This does not apply to cases where embalming is
21 directed by local authorities who have jurisdiction or when
22 embalming is required by State or local law. A licensee may
23 embalm without express prior authorization if a good faith
24 effort has been made to contact family members and has been
25 unsuccessful and the licensee has no reason to believe the
26 family opposes embalming.

1 (15) Making a false statement on a Certificate of Death
2 where the person making the statement knew or should have
3 known that the statement was false.

4 (16) Soliciting human bodies after death or while death
5 is imminent.

6 (17) Performing any act or practice that is a violation
7 of this Code, the rules for the administration of this
8 Code, or any federal, State or local laws, rules, or
9 regulations governing the practice of funeral directing or
10 embalming.

11 (18) Performing any act or practice that is a violation
12 of Section 2 of the Consumer Fraud and Deceptive Business
13 Practices Act.

14 (19) Engaging in dishonorable, unethical, or
15 unprofessional conduct of a character likely to deceive,
16 defraud or harm the public.

17 (20) Taking possession of a dead human body without
18 having first obtained express permission from the person
19 holding the right to control the disposition in accordance
20 with Section 5 of the Disposition of Remains Act or a
21 public agency legally authorized to direct, control or
22 permit the removal of deceased human bodies.

23 (21) Advertising in a false or misleading manner or
24 advertising using the name of an unlicensed person in
25 connection with any service being rendered in the practice
26 of funeral directing or funeral directing and embalming.

1 The use of any name of an unlicensed or unregistered person
2 in an advertisement so as to imply that the person will
3 perform services is considered misleading advertising.
4 Nothing in this paragraph shall prevent including the name
5 of any owner, officer or corporate director of a funeral
6 home, who is not a licensee, in any advertisement used by a
7 funeral home with which the individual is affiliated, if
8 the advertisement specifies the individual's affiliation
9 with the funeral home.

10 (22) Charging for professional services not rendered,
11 including filing false statements for the collection of
12 fees for which services are not rendered.

13 (23) Failing to account for or remit any monies,
14 documents, or personal property that belongs to others that
15 comes into a licensee's possession.

16 (24) Treating any person differently to his detriment
17 because of race, color, creed, gender, religion, or
18 national origin.

19 (25) Knowingly making any false statements, oral or
20 otherwise, of a character likely to influence, persuade or
21 induce others in the course of performing professional
22 services or activities.

23 (26) Willfully making or filing false records or
24 reports in the practice of funeral directing and embalming,
25 including, but not limited to, false records filed with
26 State agencies or departments.

1 (27) Failing to acquire continuing education required
2 under this Code.

3 (28) (Blank).

4 (29) Aiding or assisting another person in violating
5 any provision of this Code or rules adopted pursuant to
6 this Code.

7 (30) Failing within 10 days, to provide information in
8 response to a written request made by the Department.

9 (31) Discipline by another state, District of
10 Columbia, territory, foreign nation, or governmental
11 agency, if at least one of the grounds for the discipline
12 is the same or substantially equivalent to those set forth
13 in this Section.

14 (32) (Blank).

15 (33) Mental illness or disability which results in the
16 inability to practice the profession with reasonable
17 judgment, skill, or safety.

18 (34) Gross, willful, or continued overcharging for
19 professional services, including filing false statements
20 for collection of fees for which services are not rendered.

21 (35) Physical illness, including, but not limited to,
22 deterioration through the aging process or loss of motor
23 skill which results in a licensee's inability to practice
24 under this Code with reasonable judgment, skill, or safety.

25 (36) Failing to comply with any of the following
26 required activities:

1 (A) When reasonably possible, a funeral director
2 licensee or funeral director and embalmer licensee or
3 anyone acting on his or her behalf shall obtain the
4 express authorization of the person or persons
5 responsible for making the funeral arrangements for a
6 deceased human body prior to removing a body from the
7 place of death or any place it may be or embalming or
8 attempting to embalm a deceased human body, unless
9 required by State or local law. This requirement is
10 waived whenever removal or embalming is directed by
11 local authorities who have jurisdiction. If the
12 responsibility for the handling of the remains
13 lawfully falls under the jurisdiction of a public
14 agency, then the regulations of the public agency shall
15 prevail.

16 (B) A licensee shall clearly mark the price of any
17 casket offered for sale or the price of any service
18 using the casket on or in the casket if the casket is
19 displayed at the funeral establishment. If the casket
20 is displayed at any other location, regardless of
21 whether the licensee is in control of that location,
22 the casket shall be clearly marked and the registrant
23 shall use books, catalogues, brochures, or other
24 printed display aids to show the price of each casket
25 or service.

26 (C) At the time funeral arrangements are made and

1 prior to rendering the funeral services, a licensee
2 shall furnish a written statement of services to be
3 retained by the person or persons making the funeral
4 arrangements, signed by both parties, that shall
5 contain: (i) the name, address and telephone number of
6 the funeral establishment and the date on which the
7 arrangements were made; (ii) the price of the service
8 selected and the services and merchandise included for
9 that price; (iii) a clear disclosure that the person or
10 persons making the arrangement may decline and receive
11 credit for any service or merchandise not desired and
12 not required by law or the funeral director or the
13 funeral director and embalmer; (iv) the supplemental
14 items of service and merchandise requested and the
15 price of each item; (v) the terms or method of payment
16 agreed upon; and (vi) a statement as to any monetary
17 advances made by the registrant on behalf of the
18 family. The licensee shall maintain a copy of the
19 written statement of services in its permanent
20 records. All written statements of services are
21 subject to inspection by the Department.

22 (D) In all instances where the place of final
23 disposition of a deceased human body or the cremated
24 remains of a deceased human body is a cemetery, the
25 licensed funeral director and embalmer, or licensed
26 funeral director, who has been engaged to provide

1 funeral or embalming services shall remain at the
2 cemetery and personally witness the placement of the
3 human remains in their designated grave or the sealing
4 of the above ground depository, crypt, or urn. The
5 licensed funeral director or licensed funeral director
6 and embalmer may designate a licensed funeral director
7 and embalmer intern or representative of the funeral
8 home to be his or her witness to the placement of the
9 remains. If the cemetery authority, cemetery manager,
10 or any other agent of the cemetery takes any action
11 that prevents compliance with this paragraph (D), then
12 the funeral director and embalmer or funeral director
13 shall provide written notice to the Department within 5
14 business days after failing to comply. If the
15 Department receives this notice, then the Department
16 shall not take any disciplinary action against the
17 funeral director and embalmer or funeral director for a
18 violation of this paragraph (D) unless the Department
19 finds that the cemetery authority, manager, or any
20 other agent of the cemetery did not prevent the funeral
21 director and embalmer or funeral director from
22 complying with this paragraph (D) as claimed in the
23 written notice.

24 (E) A funeral director or funeral director and
25 embalmer shall fully complete the portion of the
26 Certificate of Death under the responsibility of the

1 funeral director or funeral director and embalmer and
2 provide all required information. In the event that any
3 reported information subsequently changes or proves
4 incorrect, a funeral director or funeral director and
5 embalmer shall immediately upon learning the correct
6 information correct the Certificate of Death.

7 (37) A finding by the Department that the license,
8 after having his or her license placed on probationary
9 status or subjected to conditions or restrictions,
10 violated the terms of the probation or failed to comply
11 with such terms or conditions.

12 (38) (Blank).

13 (39) Being named as a perpetrator in an indicated
14 report by the Department of Children and Family Services
15 pursuant to the Abused and Neglected Child Reporting Act
16 and, upon proof by clear and convincing evidence, being
17 found to have caused a child to be an abused child or
18 neglected child as defined in the Abused and Neglected
19 Child Reporting Act.

20 (40) Habitual or excessive use or abuse of drugs
21 defined in law as controlled substances, alcohol, or any
22 other substance which results in the inability to practice
23 with reasonable judgment, skill, or safety.

24 (41) Practicing under a false or, except as provided by
25 law, an assumed name.

26 (42) Cheating on or attempting to subvert the licensing

1 examination administered under this Code.

2 (c) The Department may refuse to issue or renew or may
3 suspend without a hearing, as provided for in the Department of
4 Professional Regulation Law of the Civil Administrative Code of
5 Illinois, the license of any person who fails to file a return,
6 to pay the tax, penalty or interest shown in a filed return, or
7 to pay any final assessment of tax, penalty or interest as
8 required by any tax Act administered by the Illinois Department
9 of Revenue, until the time as the requirements of the tax Act
10 are satisfied in accordance with subsection (g) of Section
11 2105-15 of the Department of Professional Regulation Law of the
12 Civil Administrative Code of Illinois.

13 (d) No action may be taken under this Code against a person
14 licensed under this Code unless the action is commenced within
15 5 years after the occurrence of the alleged violations. A
16 continuing violation shall be deemed to have occurred on the
17 date when the circumstances last existed that give rise to the
18 alleged violation.

19 (e) Nothing in this Section shall be construed or enforced
20 to give a funeral director and embalmer, or his or her
21 designees, authority over the operation of a cemetery or over
22 cemetery employees. Nothing in this Section shall be construed
23 or enforced to impose duties or penalties on cemeteries with
24 respect to the timing of the placement of human remains in
25 their designated grave or the sealing of the above ground
26 depository, crypt, or urn due to patron safety, the allocation

1 of cemetery staffing, liability insurance, a collective
2 bargaining agreement, or other such reasons.

3 (f) All fines imposed under this Section shall be paid 60
4 days after the effective date of the order imposing the fine.

5 (g) (Blank) ~~The Department shall deny a license or renewal~~
6 ~~authorized by this Code to a person who has defaulted on an~~
7 ~~educational loan or scholarship provided or guaranteed by the~~
8 ~~Illinois Student Assistance Commission or any governmental~~
9 ~~agency of this State in accordance with item (5) of subsection~~
10 ~~(a) of Section 2105-15 of the Department of Professional~~
11 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

12 (h) In cases where the Department of Healthcare and Family
13 Services has previously determined a licensee or a potential
14 licensee is more than 30 days delinquent in the payment of
15 child support and has subsequently certified the delinquency to
16 the Department, the Department may refuse to issue or renew or
17 may revoke or suspend that person's license or may take other
18 disciplinary action against that person based solely upon the
19 certification of delinquency made by the Department of
20 Healthcare and Family Services in accordance with item (5) of
21 subsection (a) of Section 2105-15 of the Department of
22 Professional Regulation Law of the Civil Administrative Code of
23 Illinois.

24 (i) A person not licensed under this Code who is an owner
25 of a funeral establishment or funeral business shall not aid,
26 abet, assist, procure, advise, employ, or contract with any

1 unlicensed person to offer funeral services or aid, abet,
2 assist, or direct any licensed person contrary to or in
3 violation of any rules or provisions of this Code. A person
4 violating this subsection shall be treated as a licensee for
5 the purposes of disciplinary action under this Section and
6 shall be subject to cease and desist orders as provided in this
7 Code, the imposition of a fine up to \$10,000 for each violation
8 and any other penalty provided by law.

9 (j) The determination by a circuit court that a licensee is
10 subject to involuntary admission or judicial admission as
11 provided in the Mental Health and Developmental Disabilities
12 Code, as amended, operates as an automatic suspension. The
13 suspension may end only upon a finding by a court that the
14 licensee is no longer subject to the involuntary admission or
15 judicial admission and issues an order so finding and
16 discharging the licensee, and upon the recommendation of the
17 Board to the Secretary that the licensee be allowed to resume
18 his or her practice.

19 (k) In enforcing this Code, the Department, upon a showing
20 of a possible violation, may compel an individual licensed to
21 practice under this Code, or who has applied for licensure
22 under this Code, to submit to a mental or physical examination,
23 or both, as required by and at the expense of the Department.
24 The Department may order the examining physician to present
25 testimony concerning the mental or physical examination of the
26 licensee or applicant. No information shall be excluded by

1 reason of any common law or statutory privilege relating to
2 communications between the licensee or applicant and the
3 examining physician. The examining physician shall be
4 specifically designated by the Department. The individual to be
5 examined may have, at his or her own expense, another physician
6 of his or her choice present during all aspects of this
7 examination. The examination shall be performed by a physician
8 licensed to practice medicine in all its branches. Failure of
9 an individual to submit to a mental or physical examination,
10 when directed, shall result in an automatic suspension without
11 hearing.

12 A person holding a license under this Code or who has
13 applied for a license under this Code who, because of a
14 physical or mental illness or disability, including, but not
15 limited to, deterioration through the aging process or loss of
16 motor skill, is unable to practice the profession with
17 reasonable judgment, skill, or safety, may be required by the
18 Department to submit to care, counseling, or treatment by
19 physicians approved or designated by the Department as a
20 condition, term, or restriction for continued, reinstated, or
21 renewed licensure to practice. Submission to care, counseling,
22 or treatment as required by the Department shall not be
23 considered discipline of a license. If the licensee refuses to
24 enter into a care, counseling, or treatment agreement or fails
25 to abide by the terms of the agreement, the Department may file
26 a complaint to revoke, suspend, or otherwise discipline the

1 license of the individual. The Secretary may order the license
2 suspended immediately, pending a hearing by the Department.
3 Fines shall not be assessed in disciplinary actions involving
4 physical or mental illness or impairment.

5 In instances in which the Secretary immediately suspends a
6 person's license under this Section, a hearing on that person's
7 license must be convened by the Department within 15 days after
8 the suspension and completed without appreciable delay. The
9 Department shall have the authority to review the subject
10 individual's record of treatment and counseling regarding the
11 impairment to the extent permitted by applicable federal
12 statutes and regulations safeguarding the confidentiality of
13 medical records.

14 An individual licensed under this Code and affected under
15 this Section shall be afforded an opportunity to demonstrate to
16 the Department that he or she can resume practice in compliance
17 with acceptable and prevailing standards under the provisions
18 of his or her license.

19 (Source: P.A. 97-1130, eff. 8-28-12; 98-756, eff. 7-16-14.)

20 Section 40. The Marriage and Family Therapy Licensing Act
21 is amended by changing Section 85 as follows:

22 (225 ILCS 55/85) (from Ch. 111, par. 8351-85)

23 (Section scheduled to be repealed on January 1, 2018)

24 Sec. 85. Refusal, revocation, or suspension.

1 (a) The Department may refuse to issue or renew, or may
2 revoke a license, or may suspend, place on probation, fine, or
3 take any disciplinary or non-disciplinary action as the
4 Department may deem proper, including fines not to exceed
5 \$10,000 for each violation, with regard to any licensee for any
6 one or combination of the following causes:

7 (1) Material misstatement in furnishing information to
8 the Department.

9 (2) Violations of this Act or its rules.

10 (3) Conviction of or entry of a plea of guilty or nolo
11 contendere to any crime that is a felony under the laws of
12 the United States or any state or territory thereof or a
13 misdemeanor of which an essential element is dishonesty or
14 that is directly related to the practice of the profession.

15 (4) Making any misrepresentation for the purpose of
16 obtaining a license or violating any provision of this Act
17 or its rules.

18 (5) Professional incompetence.

19 (6) Gross negligence.

20 (7) Aiding or assisting another person in violating any
21 provision of this Act or its rules.

22 (8) Failing, within 30 days, to provide information in
23 response to a written request made by the Department.

24 (9) Engaging in dishonorable, unethical, or
25 unprofessional conduct of a character likely to deceive,
26 defraud or harm the public as defined by the rules of the

1 Department, or violating the rules of professional conduct
2 adopted by the Board and published by the Department.

3 (10) Habitual or excessive use or addiction to alcohol,
4 narcotics, stimulants, or any other chemical agent or drug
5 that results in the inability to practice with reasonable
6 judgment, skill, or safety.

7 (11) Discipline by another state, territory, or
8 country if at least one of the grounds for the discipline
9 is the same or substantially equivalent to those set forth
10 in this Act.

11 (12) Directly or indirectly giving to or receiving from
12 any person, firm, corporation, partnership, or association
13 any fee, commission, rebate, or other form of compensation
14 for any professional services not actually or personally
15 rendered. Nothing in this paragraph (12) affects any bona
16 fide independent contractor or employment arrangements
17 among health care professionals, health facilities, health
18 care providers, or other entities, except as otherwise
19 prohibited by law. Any employment arrangements may include
20 provisions for compensation, health insurance, pension, or
21 other employment benefits for the provision of services
22 within the scope of the licensee's practice under this Act.
23 Nothing in this paragraph (12) shall be construed to
24 require an employment arrangement to receive professional
25 fees for services rendered.

26 (13) A finding by the Department that the licensee,

1 after having his or her license placed on probationary
2 status, has violated the terms of probation.

3 (14) Abandonment of a patient without cause.

4 (15) Willfully making or filing false records or
5 reports relating to a licensee's practice, including but
6 not limited to false records filed with State agencies or
7 departments.

8 (16) Wilfully failing to report an instance of
9 suspected child abuse or neglect as required by the Abused
10 and Neglected Child Reporting Act.

11 (17) Being named as a perpetrator in an indicated
12 report by the Department of Children and Family Services
13 under the Abused and Neglected Child Reporting Act and upon
14 proof by clear and convincing evidence that the licensee
15 has caused a child to be an abused child or neglected child
16 as defined in the Abused and Neglected Child Reporting Act.

17 (18) Physical illness or mental illness or impairment,
18 including, but not limited to, deterioration through the
19 aging process or loss of motor skill that results in the
20 inability to practice the profession with reasonable
21 judgment, skill, or safety.

22 (19) Solicitation of professional services by using
23 false or misleading advertising.

24 (20) A finding that licensure has been applied for or
25 obtained by fraudulent means.

26 (21) Practicing or attempting to practice under a name

1 other than the full name as shown on the license or any
2 other legally authorized name.

3 (22) Gross overcharging for professional services
4 including filing statements for collection of fees or
5 moneys for which services are not rendered.

6 (b) (Blank) ~~The Department shall deny any application for a~~
7 ~~license or renewal, without hearing, under this Act to any~~
8 ~~person who has defaulted on an educational loan guaranteed by~~
9 ~~the Illinois Student Assistance Commission; however, the~~
10 ~~Department may issue a license or renewal if the person in~~
11 ~~default has established a satisfactory repayment record as~~
12 ~~determined by the Illinois Student Assistance Commission.~~

13 (c) The determination by a circuit court that a licensee is
14 subject to involuntary admission or judicial admission, as
15 provided in the Mental Health and Developmental Disabilities
16 Code, operates as an automatic suspension. The suspension will
17 terminate only upon a finding by a court that the patient is no
18 longer subject to involuntary admission or judicial admission
19 and the issuance of an order so finding and discharging the
20 patient, and upon the recommendation of the Board to the
21 Secretary that the licensee be allowed to resume his or her
22 practice as a licensed marriage and family therapist or an
23 associate marriage and family therapist.

24 (d) The Department may refuse to issue or may suspend the
25 license of any person who fails to file a return, pay the tax,
26 penalty, or interest shown in a filed return or pay any final

1 assessment of tax, penalty, or interest, as required by any tax
2 Act administered by the Illinois Department of Revenue, until
3 the time the requirements of the tax Act are satisfied.

4 (e) In enforcing this Section, the Department or Board upon
5 a showing of a possible violation may compel an individual
6 licensed to practice under this Act, or who has applied for
7 licensure under this Act, to submit to a mental or physical
8 examination, or both, as required by and at the expense of the
9 Department. The Department or Board may order the examining
10 physician to present testimony concerning the mental or
11 physical examination of the licensee or applicant. No
12 information shall be excluded by reason of any common law or
13 statutory privilege relating to communications between the
14 licensee or applicant and the examining physician. The
15 examining physicians shall be specifically designated by the
16 Board or Department. The individual to be examined may have, at
17 his or her own expense, another physician of his or her choice
18 present during all aspects of this examination. Failure of an
19 individual to submit to a mental or physical examination, when
20 directed, shall be grounds for suspension of his or her license
21 until the individual submits to the examination if the
22 Department finds, after notice and hearing, that the refusal to
23 submit to the examination was without reasonable cause.

24 If the Department or Board finds an individual unable to
25 practice because of the reasons set forth in this Section, the
26 Department or Board may require that individual to submit to

1 care, counseling, or treatment by physicians approved or
2 designated by the Department or Board, as a condition, term, or
3 restriction for continued, reinstated, or renewed licensure to
4 practice; or, in lieu of care, counseling, or treatment, the
5 Department may file, or the Board may recommend to the
6 Department to file, a complaint to immediately suspend, revoke,
7 or otherwise discipline the license of the individual. An
8 individual whose license was granted, continued, reinstated,
9 renewed, disciplined or supervised subject to such terms,
10 conditions, or restrictions, and who fails to comply with such
11 terms, conditions, or restrictions, shall be referred to the
12 Secretary for a determination as to whether the individual
13 shall have his or her license suspended immediately, pending a
14 hearing by the Department.

15 In instances in which the Secretary immediately suspends a
16 person's license under this Section, a hearing on that person's
17 license must be convened by the Department within 30 days after
18 the suspension and completed without appreciable delay. The
19 Department and Board shall have the authority to review the
20 subject individual's record of treatment and counseling
21 regarding the impairment to the extent permitted by applicable
22 federal statutes and regulations safeguarding the
23 confidentiality of medical records.

24 An individual licensed under this Act and affected under
25 this Section shall be afforded an opportunity to demonstrate to
26 the Department or Board that he or she can resume practice in

1 compliance with acceptable and prevailing standards under the
2 provisions of his or her license.

3 (Source: P.A. 95-703, eff. 12-31-07; 96-1482, eff. 11-29-10.)

4 Section 45. The Massage Licensing Act is amended by
5 changing Section 45 as follows:

6 (225 ILCS 57/45)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 45. Grounds for discipline.

9 (a) The Department may refuse to issue or renew, or may
10 revoke, suspend, place on probation, reprimand, or take other
11 disciplinary or non-disciplinary action, as the Department
12 considers appropriate, including the imposition of fines not to
13 exceed \$10,000 for each violation, with regard to any license
14 or licensee for any one or more of the following:

15 (1) violations of this Act or of the rules adopted
16 under this Act;

17 (2) conviction by plea of guilty or nolo contendere,
18 finding of guilt, jury verdict, or entry of judgment or by
19 sentencing of any crime, including, but not limited to,
20 convictions, preceding sentences of supervision,
21 conditional discharge, or first offender probation, under
22 the laws of any jurisdiction of the United States: (i) that
23 is a felony; or (ii) that is a misdemeanor, an essential
24 element of which is dishonesty, or that is directly related

1 to the practice of the profession;

2 (3) professional incompetence;

3 (4) advertising in a false, deceptive, or misleading
4 manner;

5 (5) aiding, abetting, assisting, procuring, advising,
6 employing, or contracting with any unlicensed person to
7 practice massage contrary to any rules or provisions of
8 this Act;

9 (6) engaging in immoral conduct in the commission of
10 any act, such as sexual abuse, sexual misconduct, or sexual
11 exploitation, related to the licensee's practice;

12 (7) engaging in dishonorable, unethical, or
13 unprofessional conduct of a character likely to deceive,
14 defraud, or harm the public;

15 (8) practicing or offering to practice beyond the scope
16 permitted by law or accepting and performing professional
17 responsibilities which the licensee knows or has reason to
18 know that he or she is not competent to perform;

19 (9) knowingly delegating professional responsibilities
20 to a person unqualified by training, experience, or
21 licensure to perform;

22 (10) failing to provide information in response to a
23 written request made by the Department within 60 days;

24 (11) having a habitual or excessive use of or addiction
25 to alcohol, narcotics, stimulants, or any other chemical
26 agent or drug which results in the inability to practice

1 with reasonable judgment, skill, or safety;

2 (12) having a pattern of practice or other behavior
3 that demonstrates incapacity or incompetence to practice
4 under this Act;

5 (13) discipline by another state, District of
6 Columbia, territory, or foreign nation, if at least one of
7 the grounds for the discipline is the same or substantially
8 equivalent to those set forth in this Section;

9 (14) a finding by the Department that the licensee,
10 after having his or her license placed on probationary
11 status, has violated the terms of probation;

12 (15) willfully making or filing false records or
13 reports in his or her practice, including, but not limited
14 to, false records filed with State agencies or departments;

15 (16) making a material misstatement in furnishing
16 information to the Department or otherwise making
17 misleading, deceptive, untrue, or fraudulent
18 representations in violation of this Act or otherwise in
19 the practice of the profession;

20 (17) fraud or misrepresentation in applying for or
21 procuring a license under this Act or in connection with
22 applying for renewal of a license under this Act;

23 (18) inability to practice the profession with
24 reasonable judgment, skill, or safety as a result of
25 physical illness, including, but not limited to,
26 deterioration through the aging process, loss of motor

1 skill, or a mental illness or disability;

2 (19) charging for professional services not rendered,
3 including filing false statements for the collection of
4 fees for which services are not rendered;

5 (20) practicing under a false or, except as provided by
6 law, an assumed name; or

7 (21) cheating on or attempting to subvert the licensing
8 examination administered under this Act.

9 All fines shall be paid within 60 days of the effective
10 date of the order imposing the fine.

11 (b) A person not licensed under this Act and engaged in the
12 business of offering massage therapy services through others,
13 shall not aid, abet, assist, procure, advise, employ, or
14 contract with any unlicensed person to practice massage therapy
15 contrary to any rules or provisions of this Act. A person
16 violating this subsection (b) shall be treated as a licensee
17 for the purposes of disciplinary action under this Section and
18 shall be subject to cease and desist orders as provided in
19 Section 90 of this Act.

20 (c) The Department shall revoke any license issued under
21 this Act of any person who is convicted of prostitution, rape,
22 sexual misconduct, or any crime that subjects the licensee to
23 compliance with the requirements of the Sex Offender
24 Registration Act and any such conviction shall operate as a
25 permanent bar in the State of Illinois to practice as a massage
26 therapist.

1 (d) The Department may refuse to issue or may suspend the
2 license of any person who fails to file a tax return, to pay
3 the tax, penalty, or interest shown in a filed tax return, or
4 to pay any final assessment of tax, penalty, or interest, as
5 required by any tax Act administered by the Illinois Department
6 of Revenue, until such time as the requirements of the tax Act
7 are satisfied in accordance with subsection (g) of Section
8 2105-15 of the Civil Administrative Code of Illinois.

9 (e) (Blank) ~~The Department shall deny a license or renewal~~
10 ~~authorized by this Act to a person who has defaulted on an~~
11 ~~educational loan or scholarship provided or guaranteed by the~~
12 ~~Illinois Student Assistance Commission or any governmental~~
13 ~~agency of this State in accordance with item (5) of subsection~~
14 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~
15 ~~Illinois.~~

16 (f) In cases where the Department of Healthcare and Family
17 Services has previously determined that a licensee or a
18 potential licensee is more than 30 days delinquent in the
19 payment of child support and has subsequently certified the
20 delinquency to the Department, the Department may refuse to
21 issue or renew or may revoke or suspend that person's license
22 or may take other disciplinary action against that person based
23 solely upon the certification of delinquency made by the
24 Department of Healthcare and Family Services in accordance with
25 item (5) of subsection (a) of Section 2105-15 of the Civil
26 Administrative Code of Illinois.

1 (g) The determination by a circuit court that a licensee is
2 subject to involuntary admission or judicial admission, as
3 provided in the Mental Health and Developmental Disabilities
4 Code, operates as an automatic suspension. The suspension will
5 end only upon a finding by a court that the patient is no
6 longer subject to involuntary admission or judicial admission
7 and the issuance of a court order so finding and discharging
8 the patient.

9 (h) In enforcing this Act, the Department or Board, upon a
10 showing of a possible violation, may compel an individual
11 licensed to practice under this Act, or who has applied for
12 licensure under this Act, to submit to a mental or physical
13 examination, or both, as required by and at the expense of the
14 Department. The Department or Board may order the examining
15 physician to present testimony concerning the mental or
16 physical examination of the licensee or applicant. No
17 information shall be excluded by reason of any common law or
18 statutory privilege relating to communications between the
19 licensee or applicant and the examining physician. The
20 examining physicians shall be specifically designated by the
21 Board or Department. The individual to be examined may have, at
22 his or her own expense, another physician of his or her choice
23 present during all aspects of this examination. The examination
24 shall be performed by a physician licensed to practice medicine
25 in all its branches. Failure of an individual to submit to a
26 mental or physical examination, when directed, shall result in

1 an automatic suspension without hearing.

2 A person holding a license under this Act or who has
3 applied for a license under this Act who, because of a physical
4 or mental illness or disability, including, but not limited to,
5 deterioration through the aging process or loss of motor skill,
6 is unable to practice the profession with reasonable judgment,
7 skill, or safety, may be required by the Department to submit
8 to care, counseling, or treatment by physicians approved or
9 designated by the Department as a condition, term, or
10 restriction for continued, reinstated, or renewed licensure to
11 practice. Submission to care, counseling, or treatment as
12 required by the Department shall not be considered discipline
13 of a license. If the licensee refuses to enter into a care,
14 counseling, or treatment agreement or fails to abide by the
15 terms of the agreement, the Department may file a complaint to
16 revoke, suspend, or otherwise discipline the license of the
17 individual. The Secretary may order the license suspended
18 immediately, pending a hearing by the Department. Fines shall
19 not be assessed in disciplinary actions involving physical or
20 mental illness or impairment.

21 In instances in which the Secretary immediately suspends a
22 person's license under this Section, a hearing on that person's
23 license must be convened by the Department within 15 days after
24 the suspension and completed without appreciable delay. The
25 Department and Board shall have the authority to review the
26 subject individual's record of treatment and counseling

1 regarding the impairment to the extent permitted by applicable
2 federal statutes and regulations safeguarding the
3 confidentiality of medical records.

4 An individual licensed under this Act and affected under
5 this Section shall be afforded an opportunity to demonstrate to
6 the Department or Board that he or she can resume practice in
7 compliance with acceptable and prevailing standards under the
8 provisions of his or her license.

9 (Source: P.A. 97-514, eff. 8-23-11; 98-756, eff. 7-16-14.)

10 Section 50. The Naprapathic Practice Act is amended by
11 changing Section 110 as follows:

12 (225 ILCS 63/110)

13 (Section scheduled to be repealed on January 1, 2023)

14 Sec. 110. Grounds for disciplinary action; refusal,
15 revocation, suspension.

16 (a) The Department may refuse to issue or to renew, or may
17 revoke, suspend, place on probation, reprimand or take other
18 disciplinary or non-disciplinary action as the Department may
19 deem appropriate, including imposing fines not to exceed
20 \$10,000 for each violation, with regard to any licensee or
21 license for any one or combination of the following causes:

22 (1) Violations of this Act or of rules adopted under
23 this Act.

24 (2) Material misstatement in furnishing information to

1 the Department.

2 (3) Conviction by plea of guilty or nolo contendere,
3 finding of guilt, jury verdict, or entry of judgment, or by
4 sentencing of any crime, including, but not limited to,
5 convictions, preceding sentences of supervision,
6 conditional discharge, or first offender probation, under
7 the laws of any jurisdiction of the United States: (i) that
8 is a felony or (ii) that is a misdemeanor, an essential
9 element of which is dishonesty, or that is directly related
10 to the practice of the profession.

11 (4) Fraud or any misrepresentation in applying for or
12 procuring a license under this Act or in connection with
13 applying for renewal of a license under this Act.

14 (5) Professional incompetence or gross negligence.

15 (6) Malpractice.

16 (7) Aiding or assisting another person in violating any
17 provision of this Act or its rules.

18 (8) Failing to provide information within 60 days in
19 response to a written request made by the Department.

20 (9) Engaging in dishonorable, unethical, or
21 unprofessional conduct of a character likely to deceive,
22 defraud, or harm the public.

23 (10) Habitual or excessive use or abuse of drugs
24 defined in law as controlled substances, alcohol, or any
25 other substance which results in the inability to practice
26 with reasonable judgment, skill, or safety.

1 (11) Discipline by another U.S. jurisdiction or
2 foreign nation if at least one of the grounds for the
3 discipline is the same or substantially equivalent to those
4 set forth in this Act.

5 (12) Directly or indirectly giving to or receiving from
6 any person, firm, corporation, partnership, or association
7 any fee, commission, rebate, or other form of compensation
8 for any professional services not actually or personally
9 rendered. This shall not be deemed to include rent or other
10 remunerations paid to an individual, partnership, or
11 corporation by a naprapath for the lease, rental, or use of
12 space, owned or controlled by the individual, partnership,
13 corporation, or association. Nothing in this paragraph
14 (12) affects any bona fide independent contractor or
15 employment arrangements among health care professionals,
16 health facilities, health care providers, or other
17 entities, except as otherwise prohibited by law. Any
18 employment arrangements may include provisions for
19 compensation, health insurance, pension, or other
20 employment benefits for the provision of services within
21 the scope of the licensee's practice under this Act.
22 Nothing in this paragraph (12) shall be construed to
23 require an employment arrangement to receive professional
24 fees for services rendered.

25 (13) Using the title "Doctor" or its abbreviation
26 without further clarifying that title or abbreviation with

1 the word "naprapath" or "naprapathy" or the designation
2 "D.N."

3 (14) A finding by the Department that the licensee,
4 after having his or her license placed on probationary
5 status, has violated the terms of probation.

6 (15) Abandonment of a patient without cause.

7 (16) Willfully making or filing false records or
8 reports relating to a licensee's practice, including but
9 not limited to, false records filed with State agencies or
10 departments.

11 (17) Willfully failing to report an instance of
12 suspected child abuse or neglect as required by the Abused
13 and Neglected Child Reporting Act.

14 (18) Physical or mental illness or disability,
15 including, but not limited to, deterioration through the
16 aging process or loss of motor skill that results in the
17 inability to practice the profession with reasonable
18 judgment, skill, or safety.

19 (19) Solicitation of professional services by means
20 other than permitted advertising.

21 (20) Failure to provide a patient with a copy of his or
22 her record upon the written request of the patient.

23 (21) Cheating on or attempting to subvert the licensing
24 examination administered under this Act.

25 (22) Allowing one's license under this Act to be used
26 by an unlicensed person in violation of this Act.

1 (23) (Blank).

2 (24) Being named as a perpetrator in an indicated
3 report by the Department of Children and Family Services
4 under the Abused and Neglected Child Reporting Act and upon
5 proof by clear and convincing evidence that the licensee
6 has caused a child to be an abused child or a neglected
7 child as defined in the Abused and Neglected Child
8 Reporting Act.

9 (25) Practicing under a false or, except as provided by
10 law, an assumed name.

11 (26) Immoral conduct in the commission of any act, such
12 as sexual abuse, sexual misconduct, or sexual
13 exploitation, related to the licensee's practice.

14 (27) Maintaining a professional relationship with any
15 person, firm, or corporation when the naprapath knows, or
16 should know, that the person, firm, or corporation is
17 violating this Act.

18 (28) Promotion of the sale of food supplements,
19 devices, appliances, or goods provided for a client or
20 patient in such manner as to exploit the patient or client
21 for financial gain of the licensee.

22 (29) Having treated ailments of human beings other than
23 by the practice of naprapathy as defined in this Act, or
24 having treated ailments of human beings as a licensed
25 naprapath independent of a documented referral or
26 documented current and relevant diagnosis from a

1 physician, dentist, or podiatric physician, or having
2 failed to notify the physician, dentist, or podiatric
3 physician who established a documented current and
4 relevant diagnosis that the patient is receiving
5 naprapathic treatment pursuant to that diagnosis.

6 (30) Use by a registered naprapath of the word
7 "infirmary", "hospital", "school", "university", in
8 English or any other language, in connection with the place
9 where naprapathy may be practiced or demonstrated.

10 (31) Continuance of a naprapath in the employ of any
11 person, firm, or corporation, or as an assistant to any
12 naprapath or naprapaths, directly or indirectly, after his
13 or her employer or superior has been found guilty of
14 violating or has been enjoined from violating the laws of
15 the State of Illinois relating to the practice of
16 naprapathy when the employer or superior persists in that
17 violation.

18 (32) The performance of naprapathic service in
19 conjunction with a scheme or plan with another person,
20 firm, or corporation known to be advertising in a manner
21 contrary to this Act or otherwise violating the laws of the
22 State of Illinois concerning the practice of naprapathy.

23 (33) Failure to provide satisfactory proof of having
24 participated in approved continuing education programs as
25 determined by and approved by the Secretary. Exceptions for
26 extreme hardships are to be defined by the rules of the

1 Department.

2 (34) (Blank).

3 (35) Gross or willful overcharging for professional
4 services.

5 (36) (Blank).

6 All fines imposed under this Section shall be paid within
7 60 days after the effective date of the order imposing the
8 fine.

9 (b) The Department may refuse to issue or may suspend
10 without hearing, as provided for in the Department of
11 Professional Regulation Law of the Civil Administrative Code,
12 the license of any person who fails to file a return, or pay
13 the tax, penalty, or interest shown in a filed return, or pay
14 any final assessment of the tax, penalty, or interest as
15 required by any tax Act administered by the Illinois Department
16 of Revenue, until such time as the requirements of any such tax
17 Act are satisfied in accordance with subsection (g) of Section
18 2105-15 of the Department of Professional Regulation Law of the
19 Civil Administrative Code of Illinois.

20 (c) (Blank) ~~The Department shall deny a license or renewal~~
21 ~~authorized by this Act to a person who has defaulted on an~~
22 ~~educational loan or scholarship provided or guaranteed by the~~
23 ~~Illinois Student Assistance Commission or any governmental~~
24 ~~agency of this State in accordance with item (5) of subsection~~
25 ~~(a) of Section 2105-15 of the Department of Professional~~
26 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

1 (d) In cases where the Department of Healthcare and Family
2 Services has previously determined a licensee or a potential
3 licensee is more than 30 days delinquent in the payment of
4 child support and has subsequently certified the delinquency to
5 the Department, the Department may refuse to issue or renew or
6 may revoke or suspend that person's license or may take other
7 disciplinary action against that person based solely upon the
8 certification of delinquency made by the Department of
9 Healthcare and Family Services in accordance with item (5) of
10 subsection (a) of Section 2105-15 of the Department of
11 Professional Regulation Law of the Civil Administrative Code of
12 Illinois.

13 (e) The determination by a circuit court that a licensee is
14 subject to involuntary admission or judicial admission, as
15 provided in the Mental Health and Developmental Disabilities
16 Code, operates as an automatic suspension. The suspension shall
17 end only upon a finding by a court that the patient is no
18 longer subject to involuntary admission or judicial admission
19 and the issuance of an order so finding and discharging the
20 patient.

21 (f) In enforcing this Act, the Department, upon a showing
22 of a possible violation, may compel an individual licensed to
23 practice under this Act, or who has applied for licensure under
24 this Act, to submit to a mental or physical examination and
25 evaluation, or both, which may include a substance abuse or
26 sexual offender evaluation, as required by and at the expense

1 of the Department. The Department shall specifically designate
2 the examining physician licensed to practice medicine in all of
3 its branches or, if applicable, the multidisciplinary team
4 involved in providing the mental or physical examination and
5 evaluation, or both. The multidisciplinary team shall be led by
6 a physician licensed to practice medicine in all of its
7 branches and may consist of one or more or a combination of
8 physicians licensed to practice medicine in all of its
9 branches, licensed chiropractic physicians, licensed clinical
10 psychologists, licensed clinical social workers, licensed
11 clinical professional counselors, and other professional and
12 administrative staff. Any examining physician or member of the
13 multidisciplinary team may require any person ordered to submit
14 to an examination and evaluation pursuant to this Section to
15 submit to any additional supplemental testing deemed necessary
16 to complete any examination or evaluation process, including,
17 but not limited to, blood testing, urinalysis, psychological
18 testing, or neuropsychological testing.

19 The Department may order the examining physician or any
20 member of the multidisciplinary team to provide to the
21 Department any and all records including business records that
22 relate to the examination and evaluation, including any
23 supplemental testing performed. The Department may order the
24 examining physician or any member of the multidisciplinary team
25 to present testimony concerning the examination and evaluation
26 of the licensee or applicant, including testimony concerning

1 any supplemental testing or documents in any way related to the
2 examination and evaluation. No information, report, record, or
3 other documents in any way related to the examination and
4 evaluation shall be excluded by reason of any common law or
5 statutory privilege relating to communications between the
6 licensee or applicant and the examining physician or any member
7 of the multidisciplinary team. No authorization is necessary
8 from the licensee or applicant ordered to undergo an evaluation
9 and examination for the examining physician or any member of
10 the multidisciplinary team to provide information, reports,
11 records, or other documents or to provide any testimony
12 regarding the examination and evaluation. The individual to be
13 examined may have, at his or her own expense, another physician
14 of his or her choice present during all aspects of this
15 examination. Failure of an individual to submit to a mental or
16 physical examination and evaluation, or both, when directed,
17 shall result in an automatic suspension without hearing, until
18 such time as the individual submits to the examination.

19 A person holding a license under this Act or who has
20 applied for a license under this Act who, because of a physical
21 or mental illness or disability, including, but not limited to,
22 deterioration through the aging process or loss of motor skill,
23 is unable to practice the profession with reasonable judgment,
24 skill, or safety, may be required by the Department to submit
25 to care, counseling, or treatment by physicians approved or
26 designated by the Department as a condition, term, or

1 restriction for continued, reinstated, or renewed licensure to
2 practice. Submission to care, counseling, or treatment as
3 required by the Department shall not be considered discipline
4 of a license. If the licensee refuses to enter into a care,
5 counseling, or treatment agreement or fails to abide by the
6 terms of the agreement, the Department may file a complaint to
7 revoke, suspend, or otherwise discipline the license of the
8 individual. The Secretary may order the license suspended
9 immediately, pending a hearing by the Department. Fines shall
10 not be assessed in disciplinary actions involving physical or
11 mental illness or impairment.

12 In instances in which the Secretary immediately suspends a
13 person's license under this Section, a hearing on that person's
14 license must be convened by the Department within 15 days after
15 the suspension and completed without appreciable delay. The
16 Department shall have the authority to review the subject
17 individual's record of treatment and counseling regarding the
18 impairment to the extent permitted by applicable federal
19 statutes and regulations safeguarding the confidentiality of
20 medical records.

21 An individual licensed under this Act and affected under
22 this Section shall be afforded an opportunity to demonstrate to
23 the Department that he or she can resume practice in compliance
24 with acceptable and prevailing standards under the provisions
25 of his or her license.

26 (Source: P.A. 97-778, eff. 7-13-12; 98-214, eff. 8-9-13;

1 98-463, eff. 8-16-13.)

2 Section 55. The Illinois Occupational Therapy Practice Act
3 is amended by changing Section 19 as follows:

4 (225 ILCS 75/19) (from Ch. 111, par. 3719)

5 (Section scheduled to be repealed on January 1, 2024)

6 Sec. 19. Grounds for discipline.

7 (a) The Department may refuse to issue or renew, or may
8 revoke, suspend, place on probation, reprimand or take other
9 disciplinary or non-disciplinary action as the Department may
10 deem proper, including imposing fines not to exceed \$10,000 for
11 each violation and the assessment of costs as provided under
12 Section 19.3 of this Act, with regard to any license for any
13 one or combination of the following:

14 (1) Material misstatement in furnishing information to
15 the Department;

16 (2) Violations of this Act, or of the rules promulgated
17 thereunder;

18 (3) Conviction by plea of guilty or nolo contendere,
19 finding of guilt, jury verdict, or entry of judgment or
20 sentencing of any crime, including, but not limited to,
21 convictions, preceding sentences of supervision,
22 conditional discharge, or first offender probation, under
23 the laws of any jurisdiction of the United States that is
24 (i) a felony or (ii) a misdemeanor, an essential element of

1 which is dishonesty, or that is directly related to the
2 practice of the profession;

3 (4) Fraud or any misrepresentation in applying for or
4 procuring a license under this Act, or in connection with
5 applying for renewal of a license under this Act;

6 (5) Professional incompetence;

7 (6) Aiding or assisting another person, firm,
8 partnership or corporation in violating any provision of
9 this Act or rules;

10 (7) Failing, within 60 days, to provide information in
11 response to a written request made by the Department;

12 (8) Engaging in dishonorable, unethical or
13 unprofessional conduct of a character likely to deceive,
14 defraud or harm the public;

15 (9) Habitual or excessive use or abuse of drugs defined
16 in law as controlled substances, alcohol, or any other
17 substance that results in the inability to practice with
18 reasonable judgment, skill, or safety;

19 (10) Discipline by another state, unit of government,
20 government agency, the District of Columbia, a territory,
21 or foreign nation, if at least one of the grounds for the
22 discipline is the same or substantially equivalent to those
23 set forth herein;

24 (11) Directly or indirectly giving to or receiving from
25 any person, firm, corporation, partnership, or association
26 any fee, commission, rebate or other form of compensation

1 for professional services not actually or personally
2 rendered. Nothing in this paragraph (11) affects any bona
3 fide independent contractor or employment arrangements
4 among health care professionals, health facilities, health
5 care providers, or other entities, except as otherwise
6 prohibited by law. Any employment arrangements may include
7 provisions for compensation, health insurance, pension, or
8 other employment benefits for the provision of services
9 within the scope of the licensee's practice under this Act.
10 Nothing in this paragraph (11) shall be construed to
11 require an employment arrangement to receive professional
12 fees for services rendered;

13 (12) A finding by the Department that the license
14 holder, after having his license disciplined, has violated
15 the terms of the discipline;

16 (13) Wilfully making or filing false records or reports
17 in the practice of occupational therapy, including but not
18 limited to false records filed with the State agencies or
19 departments;

20 (14) Physical illness, including but not limited to,
21 deterioration through the aging process, or loss of motor
22 skill which results in the inability to practice under this
23 Act with reasonable judgment, skill, or safety;

24 (15) Solicitation of professional services other than
25 by permitted advertising;

26 (16) Allowing one's license under this Act to be used

1 by an unlicensed person in violation of this Act;

2 (17) Practicing under a false or, except as provided by
3 law, assumed name;

4 (18) Professional incompetence or gross negligence;

5 (19) Malpractice;

6 (20) Promotion of the sale of drugs, devices,
7 appliances, or goods provided for a patient in any manner
8 to exploit the client for financial gain of the licensee;

9 (21) Gross, willful, or continued overcharging for
10 professional services;

11 (22) Mental illness or disability that results in the
12 inability to practice under this Act with reasonable
13 judgment, skill, or safety;

14 (23) Violating the Health Care Worker Self-Referral
15 Act;

16 (24) Having treated patients other than by the practice
17 of occupational therapy as defined in this Act, or having
18 treated patients as a licensed occupational therapist
19 independent of a referral from a physician, advanced
20 practice nurse or physician assistant in accordance with
21 Section 3.1, dentist, podiatric physician, or optometrist,
22 or having failed to notify the physician, advanced practice
23 nurse, physician assistant, dentist, podiatric physician,
24 or optometrist who established a diagnosis that the patient
25 is receiving occupational therapy pursuant to that
26 diagnosis;

1 (25) Cheating on or attempting to subvert the licensing
2 examination administered under this Act; and

3 (26) Charging for professional services not rendered,
4 including filing false statements for the collection of
5 fees for which services are not rendered.

6 All fines imposed under this Section shall be paid within
7 60 days after the effective date of the order imposing the fine
8 or in accordance with the terms set forth in the order imposing
9 the fine.

10 (b) The determination by a circuit court that a license
11 holder is subject to involuntary admission or judicial
12 admission as provided in the Mental Health and Developmental
13 Disabilities Code, as now or hereafter amended, operates as an
14 automatic suspension. Such suspension will end only upon a
15 finding by a court that the patient is no longer subject to
16 involuntary admission or judicial admission and an order by the
17 court so finding and discharging the patient. In any case where
18 a license is suspended under this provision, the licensee shall
19 file a petition for restoration and shall include evidence
20 acceptable to the Department that the licensee can resume
21 practice in compliance with acceptable and prevailing
22 standards of their profession.

23 (c) The Department may refuse to issue or may suspend
24 without hearing, as provided for in the Code of Civil
25 Procedure, the license of any person who fails to file a
26 return, to pay the tax, penalty, or interest shown in a filed

1 return, or to pay any final assessment of tax, penalty, or
2 interest as required by any tax Act administered by the
3 Illinois Department of Revenue, until such time as the
4 requirements of any such tax Act are satisfied in accordance
5 with subsection (a) of Section 2105-15 of the Department of
6 Professional Regulation Law of the Civil Administrative Code of
7 Illinois.

8 (d) In enforcing this Section, the Department, upon a
9 showing of a possible violation, may compel any individual who
10 is licensed under this Act or any individual who has applied
11 for licensure to submit to a mental or physical examination or
12 evaluation, or both, which may include a substance abuse or
13 sexual offender evaluation, at the expense of the Department.
14 The Department shall specifically designate the examining
15 physician licensed to practice medicine in all of its branches
16 or, if applicable, the multidisciplinary team involved in
17 providing the mental or physical examination and evaluation.
18 The multidisciplinary team shall be led by a physician licensed
19 to practice medicine in all of its branches and may consist of
20 one or more or a combination of physicians licensed to practice
21 medicine in all of its branches, licensed chiropractic
22 physicians, licensed clinical psychologists, licensed clinical
23 social workers, licensed clinical professional counselors, and
24 other professional and administrative staff. Any examining
25 physician or member of the multidisciplinary team may require
26 any person ordered to submit to an examination and evaluation

1 pursuant to this Section to submit to any additional
2 supplemental testing deemed necessary to complete any
3 examination or evaluation process, including, but not limited
4 to, blood testing, urinalysis, psychological testing, or
5 neuropsychological testing.

6 The Department may order the examining physician or any
7 member of the multidisciplinary team to provide to the
8 Department any and all records, including business records,
9 that relate to the examination and evaluation, including any
10 supplemental testing performed. The Department may order the
11 examining physician or any member of the multidisciplinary team
12 to present testimony concerning this examination and
13 evaluation of the licensee or applicant, including testimony
14 concerning any supplemental testing or documents relating to
15 the examination and evaluation. No information, report,
16 record, or other documents in any way related to the
17 examination and evaluation shall be excluded by reason of any
18 common law or statutory privilege relating to communication
19 between the licensee or applicant and the examining physician
20 or any member of the multidisciplinary team. No authorization
21 is necessary from the licensee or applicant ordered to undergo
22 an evaluation and examination for the examining physician or
23 any member of the multidisciplinary team to provide
24 information, reports, records, or other documents or to provide
25 any testimony regarding the examination and evaluation. The
26 individual to be examined may have, at his or her own expense,

1 another physician of his or her choice present during all
2 aspects of the examination.

3 Failure of any individual to submit to mental or physical
4 examination or evaluation, or both, when directed, shall result
5 in an automatic suspension without hearing, until such time as
6 the individual submits to the examination. If the Department
7 finds a licensee unable to practice because of the reasons set
8 forth in this Section, the Department shall require the
9 licensee to submit to care, counseling, or treatment by
10 physicians approved or designated by the Department as a
11 condition for continued, reinstated, or renewed licensure.

12 When the Secretary immediately suspends a license under
13 this Section, a hearing upon such person's license must be
14 convened by the Department within 15 days after the suspension
15 and completed without appreciable delay. The Department shall
16 have the authority to review the licensee's record of treatment
17 and counseling regarding the impairment to the extent permitted
18 by applicable federal statutes and regulations safeguarding
19 the confidentiality of medical records.

20 Individuals licensed under this Act that are affected under
21 this Section, shall be afforded an opportunity to demonstrate
22 to the Department that they can resume practice in compliance
23 with acceptable and prevailing standards under the provisions
24 of their license.

25 (e) (Blank) ~~The Department shall deny a license or renewal~~
26 ~~authorized by this Act to a person who has defaulted on an~~

1 ~~educational loan or scholarship provided or guaranteed by the~~
2 ~~Illinois Student Assistance Commission or any governmental~~
3 ~~agency of this State in accordance with paragraph (5) of~~
4 ~~subsection (a) of Section 2105-15 of the Department of~~
5 ~~Professional Regulation Law of the Civil Administrative Code of~~
6 ~~Illinois.~~

7 (f) In cases where the Department of Healthcare and Family
8 Services has previously determined a licensee or a potential
9 licensee is more than 30 days delinquent in the payment of
10 child support and has subsequently certified the delinquency to
11 the Department, the Department may refuse to issue or renew or
12 may revoke or suspend that person's license or may take other
13 disciplinary action against that person based solely upon the
14 certification of delinquency made by the Department of
15 Healthcare and Family Services in accordance with paragraph (5)
16 of subsection (a) of Section 2105-15 of the Department of
17 Professional Regulation Law of the Civil Administrative Code of
18 Illinois.

19 (Source: P.A. 98-214, eff. 8-9-13; 98-264, eff. 12-31-13;
20 98-756, eff. 7-16-14.)

21 Section 60. The Orthotics, Prosthetics, and Pedorthics
22 Practice Act is amended by changing Section 90 as follows:

23 (225 ILCS 84/90)

24 (Section scheduled to be repealed on January 1, 2020)

1 Sec. 90. Grounds for discipline.

2 (a) The Department may refuse to issue or renew a license,
3 or may revoke or suspend a license, or may suspend, place on
4 probation, or reprimand a licensee or take other disciplinary
5 or non-disciplinary action as the Department may deem proper,
6 including, but not limited to, the imposition of fines not to
7 exceed \$10,000 for each violation for one or any combination of
8 the following:

9 (1) Making a material misstatement in furnishing
10 information to the Department or the Board.

11 (2) Violations of or negligent or intentional
12 disregard of this Act or its rules.

13 (3) Conviction of, or entry of a plea of guilty or nolo
14 contendere to any crime that is a felony under the laws of
15 the United States or any state or territory thereof or that
16 is a misdemeanor of which an essential element is
17 dishonesty, or any crime that is directly related to the
18 practice of the profession.

19 (4) Making a misrepresentation for the purpose of
20 obtaining a license.

21 (5) A pattern of practice or other behavior that
22 demonstrates incapacity or incompetence to practice under
23 this Act.

24 (6) Gross negligence under this Act.

25 (7) Aiding or assisting another person in violating a
26 provision of this Act or its rules.

1 (8) Failing to provide information within 60 days in
2 response to a written request made by the Department.

3 (9) Engaging in dishonorable, unethical, or
4 unprofessional conduct or conduct of a character likely to
5 deceive, defraud, or harm the public.

6 (10) Inability to practice with reasonable judgment,
7 skill, or safety as a result of habitual or excessive use
8 or addiction to alcohol, narcotics, stimulants, or any
9 other chemical agent or drug.

10 (11) Discipline by another state or territory of the
11 United States, the federal government, or foreign nation,
12 if at least one of the grounds for the discipline is the
13 same or substantially equivalent to one set forth in this
14 Section.

15 (12) Directly or indirectly giving to or receiving from
16 a person, firm, corporation, partnership, or association a
17 fee, commission, rebate, or other form of compensation for
18 professional services not actually or personally rendered.
19 Nothing in this paragraph (12) affects any bona fide
20 independent contractor or employment arrangements among
21 health care professionals, health facilities, health care
22 providers, or other entities, except as otherwise
23 prohibited by law. Any employment arrangements may include
24 provisions for compensation, health insurance, pension, or
25 other employment benefits for the provision of services
26 within the scope of the licensee's practice under this Act.

1 Nothing in this paragraph (12) shall be construed to
2 require an employment arrangement to receive professional
3 fees for services rendered.

4 (13) A finding by the Board that the licensee or
5 registrant, after having his or her license placed on
6 probationary status, has violated the terms of probation.

7 (14) Abandonment of a patient or client.

8 (15) Willfully making or filing false records or
9 reports in his or her practice including, but not limited
10 to, false records filed with State agencies or departments.

11 (16) Willfully failing to report an instance of
12 suspected child abuse or neglect as required by the Abused
13 and Neglected Child Reporting Act.

14 (17) Inability to practice the profession with
15 reasonable judgment, skill, or safety as a result of a
16 physical illness, including, but not limited to,
17 deterioration through the aging process or loss of motor
18 skill, or a mental illness or disability.

19 (18) Solicitation of professional services using false
20 or misleading advertising.

21 (b) In enforcing this Section, the Department or Board upon
22 a showing of a possible violation, may compel a licensee or
23 applicant to submit to a mental or physical examination, or
24 both, as required by and at the expense of the Department. The
25 Department or Board may order the examining physician to
26 present testimony concerning the mental or physical

1 examination of the licensee or applicant. No information shall
2 be excluded by reason of any common law or statutory privilege
3 relating to communications between the licensee or applicant
4 and the examining physician. The examining physicians shall be
5 specifically designated by the Board or Department. The
6 individual to be examined may have, at his or her own expense,
7 another physician of his or her choice present during all
8 aspects of this examination. Failure of an individual to submit
9 to a mental or physical examination, when directed, shall be
10 grounds for the immediate suspension of his or her license
11 until the individual submits to the examination if the
12 Department finds that the refusal to submit to the examination
13 was without reasonable cause as defined by rule.

14 In instances in which the Secretary immediately suspends a
15 person's license for his or her failure to submit to a mental
16 or physical examination, when directed, a hearing on that
17 person's license must be convened by the Department within 15
18 days after the suspension and completed without appreciable
19 delay.

20 In instances in which the Secretary otherwise suspends a
21 person's license pursuant to the results of a compelled mental
22 or physical examination, a hearing on that person's license
23 must be convened by the Department within 15 days after the
24 suspension and completed without appreciable delay. The
25 Department and Board shall have the authority to review the
26 subject individual's record of treatment and counseling

1 regarding the impairment to the extent permitted by applicable
2 federal statutes and regulations safeguarding the
3 confidentiality of medical records.

4 An individual licensed under this Act and affected under
5 this Section shall be afforded an opportunity to demonstrate to
6 the Department or Board that he or she can resume practice in
7 compliance with acceptable and prevailing standards under the
8 provisions of his or her license.

9 (c) (Blank) ~~The Department shall deny a license or renewal
10 authorized by this Act to a person who has defaulted on an
11 educational loan or scholarship provided or guaranteed by the
12 Illinois Student Assistance Commission or any governmental
13 agency of this State in accordance with subsection (a)(5) of
14 Section 2105-15 of the Department of Professional Regulation
15 Law of the Civil Administrative Code of Illinois (20 ILCS
16 2105/2105-15).~~

17 (d) In cases where the Department of Healthcare and Family
18 Services (formerly Department of Public Aid) has previously
19 determined that a licensee or a potential licensee is more than
20 30 days delinquent in the payment of child support and has
21 subsequently certified the delinquency to the Department, the
22 Department may refuse to issue or renew or may revoke or
23 suspend that person's license or may take other disciplinary
24 action against that person based solely upon the certification
25 of delinquency made by the Department of Healthcare and Family
26 Services in accordance with subsection (a)(5) of Section

1 2105-15 of the Department of Professional Regulation Law of the
2 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

3 (e) The Department may refuse to issue or renew a license,
4 or may revoke or suspend a license, for failure to file a
5 return, to pay the tax, penalty, or interest shown in a filed
6 return, or to pay any final assessment of tax, penalty, or
7 interest as required by any tax Act administered by the
8 Department of Revenue, until such time as the requirements of
9 the tax Act are satisfied in accordance with subsection (g) of
10 Section 2105-15 of the Department of Professional Regulation
11 Law of the Civil Administrative Code of Illinois (20 ILCS
12 2105/2105-15).

13 (Source: P.A. 98-756, eff. 7-16-14.)

14 Section 65. The Professional Counselor and Clinical
15 Professional Counselor Licensing and Practice Act is amended by
16 changing Section 80 as follows:

17 (225 ILCS 107/80)

18 (Section scheduled to be repealed on January 1, 2023)

19 Sec. 80. Grounds for discipline.

20 (a) The Department may refuse to issue, renew, or may
21 revoke, suspend, place on probation, reprimand, or take other
22 disciplinary or non-disciplinary action as the Department
23 deems appropriate, including the issuance of fines not to
24 exceed \$10,000 for each violation, with regard to any license

1 for any one or more of the following:

2 (1) Material misstatement in furnishing information to
3 the Department or to any other State agency.

4 (2) Violations or negligent or intentional disregard
5 of this Act or rules adopted under this Act.

6 (3) Conviction by plea of guilty or nolo contendere,
7 finding of guilt, jury verdict, or entry of judgment or by
8 sentencing of any crime, including, but not limited to,
9 convictions, preceding sentences of supervision,
10 conditional discharge, or first offender probation, under
11 the laws of any jurisdiction of the United States: (i) that
12 is a felony or (ii) that is a misdemeanor, an essential
13 element of which is dishonesty, or that is directly related
14 to the practice of the profession.

15 (4) Fraud or any misrepresentation in applying for or
16 procuring a license under this Act or in connection with
17 applying for renewal of a license under this Act.

18 (5) Professional incompetence or gross negligence in
19 the rendering of professional counseling or clinical
20 professional counseling services.

21 (6) Malpractice.

22 (7) Aiding or assisting another person in violating any
23 provision of this Act or any rules.

24 (8) Failing to provide information within 60 days in
25 response to a written request made by the Department.

26 (9) Engaging in dishonorable, unethical, or

1 unprofessional conduct of a character likely to deceive,
2 defraud, or harm the public and violating the rules of
3 professional conduct adopted by the Department.

4 (10) Habitual or excessive use or abuse of drugs as
5 defined in law as controlled substances, alcohol, or any
6 other substance which results in inability to practice with
7 reasonable skill, judgment, or safety.

8 (11) Discipline by another jurisdiction, the District
9 of Columbia, territory, county, or governmental agency, if
10 at least one of the grounds for the discipline is the same
11 or substantially equivalent to those set forth in this
12 Section.

13 (12) Directly or indirectly giving to or receiving from
14 any person, firm, corporation, partnership, or association
15 any fee, commission, rebate or other form of compensation
16 for any professional service not actually rendered.
17 Nothing in this paragraph (12) affects any bona fide
18 independent contractor or employment arrangements among
19 health care professionals, health facilities, health care
20 providers, or other entities, except as otherwise
21 prohibited by law. Any employment arrangements may include
22 provisions for compensation, health insurance, pension, or
23 other employment benefits for the provision of services
24 within the scope of the licensee's practice under this Act.
25 Nothing in this paragraph (12) shall be construed to
26 require an employment arrangement to receive professional

1 fees for services rendered.

2 (13) A finding by the Board that the licensee, after
3 having the license placed on probationary status, has
4 violated the terms of probation.

5 (14) Abandonment of a client.

6 (15) Willfully filing false reports relating to a
7 licensee's practice, including but not limited to false
8 records filed with federal or State agencies or
9 departments.

10 (16) Willfully failing to report an instance of
11 suspected child abuse or neglect as required by the Abused
12 and Neglected Child Reporting Act and in matters pertaining
13 to suspected abuse, neglect, financial exploitation, or
14 self-neglect of adults with disabilities and older adults
15 as set forth in the Adult Protective Services Act.

16 (17) Being named as a perpetrator in an indicated
17 report by the Department of Children and Family Services
18 pursuant to the Abused and Neglected Child Reporting Act,
19 and upon proof by clear and convincing evidence that the
20 licensee has caused a child to be an abused child or
21 neglected child as defined in the Abused and Neglected
22 Child Reporting Act.

23 (18) Physical or mental illness or disability,
24 including, but not limited to, deterioration through the
25 aging process or loss of abilities and skills which results
26 in the inability to practice the profession with reasonable

1 judgment, skill, or safety.

2 (19) Solicitation of professional services by using
3 false or misleading advertising.

4 (20) Allowing one's license under this Act to be used
5 by an unlicensed person in violation of this Act.

6 (21) A finding that licensure has been applied for or
7 obtained by fraudulent means.

8 (22) Practicing under a false or, except as provided by
9 law, an assumed name.

10 (23) Gross and willful overcharging for professional
11 services including filing statements for collection of
12 fees or monies for which services are not rendered.

13 (24) Rendering professional counseling or clinical
14 professional counseling services without a license or
15 practicing outside the scope of a license.

16 (25) Clinical supervisors failing to adequately and
17 responsibly monitor supervisees.

18 All fines imposed under this Section shall be paid within
19 60 days after the effective date of the order imposing the
20 fine.

21 (b) (Blank) ~~The Department shall deny, without hearing, any~~
22 ~~application or renewal for a license under this Act to any~~
23 ~~person who has defaulted on an educational loan guaranteed by~~
24 ~~the Illinois State Assistance Commission or any governmental~~
25 ~~agency of this State in accordance with item (5) of subsection~~
26 ~~(a) of Section 2105 15 of the Department of Professional~~

1 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

2 (b-5) The Department may refuse to issue or may suspend
3 without hearing, as provided for in the Code of Civil
4 Procedure, the license of any person who fails to file a
5 return, pay the tax, penalty, or interest shown in a filed
6 return, or pay any final assessment of the tax, penalty, or
7 interest as required by any tax Act administered by the
8 Illinois Department of Revenue, until such time as the
9 requirements of any such tax Act are satisfied in accordance
10 with subsection (g) of Section 2105-15 of the Department of
11 Professional Regulation Law of the Civil Administrative Code of
12 Illinois.

13 (b-10) In cases where the Department of Healthcare and
14 Family Services has previously determined a licensee or a
15 potential licensee is more than 30 days delinquent in the
16 payment of child support and has subsequently certified the
17 delinquency to the Department, the Department may refuse to
18 issue or renew or may revoke or suspend that person's license
19 or may take other disciplinary action against that person based
20 solely upon the certification of delinquency made by the
21 Department of Healthcare and Family Services in accordance with
22 item (5) of subsection (a) of Section 2105-15 of the Department
23 of Professional Regulation Law of the Civil Administrative Code
24 of Illinois.

25 (c) The determination by a court that a licensee is subject
26 to involuntary admission or judicial admission as provided in

1 the Mental Health and Developmental Disabilities Code will
2 result in an automatic suspension of his or her license. The
3 suspension will end upon a finding by a court that the licensee
4 is no longer subject to involuntary admission or judicial
5 admission, the issuance of an order so finding and discharging
6 the patient, and the recommendation of the Board to the
7 Secretary that the licensee be allowed to resume professional
8 practice.

9 (c-5) In enforcing this Act, the Department, upon a showing
10 of a possible violation, may compel an individual licensed to
11 practice under this Act, or who has applied for licensure under
12 this Act, to submit to a mental or physical examination, or
13 both, as required by and at the expense of the Department. The
14 Department may order the examining physician to present
15 testimony concerning the mental or physical examination of the
16 licensee or applicant. No information shall be excluded by
17 reason of any common law or statutory privilege relating to
18 communications between the licensee or applicant and the
19 examining physician. The examining physicians shall be
20 specifically designated by the Department. The individual to be
21 examined may have, at his or her own expense, another physician
22 of his or her choice present during all aspects of this
23 examination. The examination shall be performed by a physician
24 licensed to practice medicine in all its branches. Failure of
25 an individual to submit to a mental or physical examination,
26 when directed, shall result in an automatic suspension without

1 hearing.

2 A person holding a license under this Act or who has
3 applied for a license under this Act who, because of a physical
4 or mental illness or disability, including, but not limited to,
5 deterioration through the aging process or loss of motor skill,
6 is unable to practice the profession with reasonable judgment,
7 skill, or safety, may be required by the Department to submit
8 to care, counseling, or treatment by physicians approved or
9 designated by the Department as a condition, term, or
10 restriction for continued, reinstated, or renewed licensure to
11 practice. Submission to care, counseling, or treatment as
12 required by the Department shall not be considered discipline
13 of a license. If the licensee refuses to enter into a care,
14 counseling, or treatment agreement or fails to abide by the
15 terms of the agreement, the Department may file a complaint to
16 revoke, suspend, or otherwise discipline the license of the
17 individual. The Secretary may order the license suspended
18 immediately, pending a hearing by the Department. Fines shall
19 not be assessed in disciplinary actions involving physical or
20 mental illness or impairment.

21 In instances in which the Secretary immediately suspends a
22 person's license under this Section, a hearing on that person's
23 license must be convened by the Department within 15 days after
24 the suspension and completed without appreciable delay. The
25 Department shall have the authority to review the subject
26 individual's record of treatment and counseling regarding the

1 impairment to the extent permitted by applicable federal
2 statutes and regulations safeguarding the confidentiality of
3 medical records.

4 An individual licensed under this Act and affected under
5 this Section shall be afforded an opportunity to demonstrate to
6 the Department that he or she can resume practice in compliance
7 with acceptable and prevailing standards under the provisions
8 of his or her license.

9 (d) (Blank).

10 (Source: P.A. 97-706, eff. 6-25-12; 98-49, eff. 7-1-13.)

11 Section 70. The Sex Offender Evaluation and Treatment
12 Provider Act is amended by changing Section 75 as follows:

13 (225 ILCS 109/75)

14 Sec. 75. Refusal, revocation, or suspension.

15 (a) The Department may refuse to issue or renew, or may
16 revoke, suspend, place on probation, reprimand, or take other
17 disciplinary or nondisciplinary action, as the Department
18 considers appropriate, including the imposition of fines not to
19 exceed \$10,000 for each violation, with regard to any license
20 or licensee for any one or more of the following:

21 (1) violations of this Act or of the rules adopted
22 under this Act;

23 (2) discipline by the Department under other state law
24 and rules which the licensee is subject to;

1 (3) conviction by plea of guilty or nolo contendere,
2 finding of guilt, jury verdict, or entry of judgment or by
3 sentencing for any crime, including, but not limited to,
4 convictions, preceding sentences of supervision,
5 conditional discharge, or first offender probation, under
6 the laws of any jurisdiction of the United States: (i) that
7 is a felony; or (ii) that is a misdemeanor, an essential
8 element of which is dishonesty, or that is directly related
9 to the practice of the profession;

10 (4) professional incompetence;

11 (5) advertising in a false, deceptive, or misleading
12 manner;

13 (6) aiding, abetting, assisting, procuring, advising,
14 employing, or contracting with any unlicensed person to
15 provide sex offender evaluation or treatment services
16 contrary to any rules or provisions of this Act;

17 (7) engaging in immoral conduct in the commission of
18 any act, such as sexual abuse, sexual misconduct, or sexual
19 exploitation, related to the licensee's practice;

20 (8) engaging in dishonorable, unethical, or
21 unprofessional conduct of a character likely to deceive,
22 defraud, or harm the public;

23 (9) practicing or offering to practice beyond the scope
24 permitted by law or accepting and performing professional
25 responsibilities which the licensee knows or has reason to
26 know that he or she is not competent to perform;

1 (10) knowingly delegating professional
2 responsibilities to a person unqualified by training,
3 experience, or licensure to perform;

4 (11) failing to provide information in response to a
5 written request made by the Department within 60 days;

6 (12) having a habitual or excessive use of or addiction
7 to alcohol, narcotics, stimulants, or any other chemical
8 agent or drug which results in the inability to practice
9 with reasonable judgment, skill, or safety;

10 (13) having a pattern of practice or other behavior
11 that demonstrates incapacity or incompetence to practice
12 under this Act;

13 (14) discipline by another state, District of
14 Columbia, territory, or foreign nation, if at least one of
15 the grounds for the discipline is the same or substantially
16 equivalent to those set forth in this Section;

17 (15) a finding by the Department that the licensee,
18 after having his or her license placed on probationary
19 status, has violated the terms of probation;

20 (16) willfully making or filing false records or
21 reports in his or her practice, including, but not limited
22 to, false records filed with State agencies or departments;

23 (17) making a material misstatement in furnishing
24 information to the Department or otherwise making
25 misleading, deceptive, untrue, or fraudulent
26 representations in violation of this Act or otherwise in

1 the practice of the profession;

2 (18) fraud or misrepresentation in applying for or
3 procuring a license under this Act or in connection with
4 applying for renewal of a license under this Act;

5 (19) inability to practice the profession with
6 reasonable judgment, skill, or safety as a result of
7 physical illness, including, but not limited to,
8 deterioration through the aging process, loss of motor
9 skill, or a mental illness or disability;

10 (20) charging for professional services not rendered,
11 including filing false statements for the collection of
12 fees for which services are not rendered; or

13 (21) practicing under a false or, except as provided by
14 law, an assumed name.

15 All fines shall be paid within 60 days of the effective
16 date of the order imposing the fine.

17 (b) The Department may refuse to issue or may suspend the
18 license of any person who fails to file a tax return, to pay
19 the tax, penalty, or interest shown in a filed tax return, or
20 to pay any final assessment of tax, penalty, or interest, as
21 required by any tax Act administered by the Illinois Department
22 of Revenue, until such time as the requirements of the tax Act
23 are satisfied in accordance with subsection (g) of Section
24 2105-15 of the Civil Administrative Code of Illinois.

25 (c) (Blank) ~~The Department shall deny a license or renewal~~
26 ~~authorized by this Act to a person who has defaulted on an~~

1 ~~educational loan or scholarship provided or guaranteed by the~~
2 ~~Illinois Student Assistance Commission or any governmental~~
3 ~~agency of this State in accordance with item (5) of subsection~~
4 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~
5 ~~Illinois.~~

6 (d) In cases where the Department of Healthcare and Family
7 Services has previously determined that a licensee or a
8 potential licensee is more than 30 days delinquent in the
9 payment of child support and has subsequently certified the
10 delinquency to the Department, the Department may refuse to
11 issue or renew or may revoke or suspend that person's license
12 or may take other disciplinary action against that person based
13 solely upon the certification of delinquency made by the
14 Department of Healthcare and Family Services in accordance with
15 item (5) of subsection (a) of Section 2105-15 of the Civil
16 Administrative Code of Illinois.

17 (e) The determination by a circuit court that a licensee is
18 subject to involuntary admission or judicial admission, as
19 provided in the Mental Health and Developmental Disabilities
20 Code, operates as an automatic suspension. The suspension will
21 end only upon a finding by a court that the patient is no
22 longer subject to involuntary admission or judicial admission
23 and the issuance of a court order so finding and discharging
24 the patient.

25 (f) In enforcing this Act, the Department or Board, upon a
26 showing of a possible violation, may compel an individual

1 licensed to practice under this Act, or who has applied for
2 licensure under this Act, to submit to a mental or physical
3 examination, or both, as required by and at the expense of the
4 Department. The Department or Board may order the examining
5 physician to present testimony concerning the mental or
6 physical examination of the licensee or applicant. No
7 information shall be excluded by reason of any common law or
8 statutory privilege relating to communications between the
9 licensee or applicant and the examining physician. The
10 examining physician shall be specifically designated by the
11 Board or Department. The individual to be examined may have, at
12 his or her own expense, another physician of his or her choice
13 present during all aspects of this examination. The examination
14 shall be performed by a physician licensed to practice medicine
15 in all its branches. Failure of an individual to submit to a
16 mental or physical examination, when directed, shall result in
17 an automatic suspension without hearing.

18 A person holding a license under this Act or who has
19 applied for a license under this Act who, because of a physical
20 or mental illness or disability, including, but not limited to,
21 deterioration through the aging process or loss of motor skill,
22 is unable to practice the profession with reasonable judgment,
23 skill, or safety, may be required by the Department to submit
24 to care, counseling, or treatment by physicians approved or
25 designated by the Department as a condition, term, or
26 restriction for continued, reinstated, or renewed licensure to

1 practice. Submission to care, counseling, or treatment as
2 required by the Department shall not be considered discipline
3 of a license. If the licensee refuses to enter into a care,
4 counseling, or treatment agreement or fails to abide by the
5 terms of the agreement, the Department may file a complaint to
6 revoke, suspend, or otherwise discipline the license of the
7 individual. The Secretary may order the license suspended
8 immediately, pending a hearing by the Department. Fines shall
9 not be assessed in disciplinary actions involving physical or
10 mental illness or impairment.

11 In instances in which the Secretary immediately suspends a
12 person's license under this Section, a hearing on that person's
13 license must be convened by the Department within 15 days after
14 the suspension and completed without appreciable delay. The
15 Department and Board shall have the authority to review the
16 subject individual's record of treatment and counseling
17 regarding the impairment to the extent permitted by applicable
18 federal statutes and regulations safeguarding the
19 confidentiality of medical records.

20 An individual licensed under this Act and subject to action
21 under this Section shall be afforded an opportunity to
22 demonstrate to the Department or Board that he or she can
23 resume practice in compliance with acceptable and prevailing
24 standards under the provisions of his or her license.

25 (Source: P.A. 97-1098, eff. 7-1-13; 98-756, eff. 7-16-14.)

1 Section 75. The Illinois Speech-Language Pathology and
2 Audiology Practice Act is amended by changing Section 16 as
3 follows:

4 (225 ILCS 110/16) (from Ch. 111, par. 7916)

5 (Section scheduled to be repealed on January 1, 2018)

6 Sec. 16. Refusal, revocation or suspension of licenses.

7 (1) The Department may refuse to issue or renew, or may
8 revoke, suspend, place on probation, censure, reprimand or take
9 other disciplinary or non-disciplinary action as the
10 Department may deem proper, including fines not to exceed
11 \$10,000 for each violation, with regard to any license for any
12 one or combination of the following causes:

13 (a) Fraud in procuring the license.

14 (b) (Blank).

15 (c) Willful or repeated violations of the rules of the
16 Department of Public Health.

17 (d) Division of fees or agreeing to split or divide the
18 fees received for speech-language pathology or audiology
19 services with any person for referring an individual, or
20 assisting in the care or treatment of an individual,
21 without the knowledge of the individual or his or her legal
22 representative. Nothing in this paragraph (d) affects any
23 bona fide independent contractor or employment
24 arrangements among health care professionals, health
25 facilities, health care providers, or other entities,

1 except as otherwise prohibited by law. Any employment
2 arrangements may include provisions for compensation,
3 health insurance, pension, or other employment benefits
4 for the provision of services within the scope of the
5 licensee's practice under this Act. Nothing in this
6 paragraph (d) shall be construed to require an employment
7 arrangement to receive professional fees for services
8 rendered.

9 (e) Employing, procuring, inducing, aiding or abetting
10 a person not licensed as a speech-language pathologist or
11 audiologist to engage in the unauthorized practice of
12 speech-language pathology or audiology.

13 (e-5) Employing, procuring, inducing, aiding, or
14 abetting a person not licensed as a speech-language
15 pathology assistant to perform the functions and duties of
16 a speech-language pathology assistant.

17 (f) Making any misrepresentations or false promises,
18 directly or indirectly, to influence, persuade or induce
19 patronage.

20 (g) Professional connection or association with, or
21 lending his or her name to another for the illegal practice
22 of speech-language pathology or audiology by another, or
23 professional connection or association with any person,
24 firm or corporation holding itself out in any manner
25 contrary to this Act.

26 (h) Obtaining or seeking to obtain checks, money, or

1 any other things of value by false or fraudulent
2 representations, including but not limited to, engaging in
3 such fraudulent practice to defraud the medical assistance
4 program of the Department of Healthcare and Family Services
5 (formerly Department of Public Aid).

6 (i) Practicing under a name other than his or her own.

7 (j) Improper, unprofessional or dishonorable conduct
8 of a character likely to deceive, defraud or harm the
9 public.

10 (k) Conviction of or entry of a plea of guilty or nolo
11 contendere to any crime that is a felony under the laws of
12 the United States or any state or territory thereof, or
13 that is a misdemeanor of which an essential element is
14 dishonesty, or that is directly related to the practice of
15 the profession.

16 (l) Permitting a person under his or her supervision to
17 perform any function not authorized by this Act.

18 (m) A violation of any provision of this Act or rules
19 promulgated thereunder.

20 (n) Discipline by another state, the District of
21 Columbia, territory, or foreign nation of a license to
22 practice speech-language pathology or audiology or a
23 license to practice as a speech-language pathology
24 assistant in its jurisdiction if at least one of the
25 grounds for that discipline is the same as or the
26 equivalent of one of the grounds for discipline set forth

1 herein.

2 (o) Willfully failing to report an instance of
3 suspected child abuse or neglect as required by the Abused
4 and Neglected Child Reporting Act.

5 (p) Gross or repeated malpractice.

6 (q) Willfully making or filing false records or reports
7 in his or her practice as a speech-language pathologist,
8 speech-language pathology assistant, or audiologist,
9 including, but not limited to, false records to support
10 claims against the public assistance program of the
11 Department of Healthcare and Family Services (formerly
12 Illinois Department of Public Aid).

13 (r) Professional incompetence as manifested by poor
14 standards of care or mental incompetence as declared by a
15 court of competent jurisdiction.

16 (s) Repeated irregularities in billing a third party
17 for services rendered to an individual. For purposes of
18 this Section, "irregularities in billing" shall include:

19 (i) reporting excessive charges for the purpose of
20 obtaining a total payment in excess of that usually
21 received by the speech-language pathologist,
22 speech-language pathology assistant, or audiologist
23 for the services rendered;

24 (ii) reporting charges for services not rendered;

25 or

26 (iii) incorrectly reporting services rendered for

1 the purpose of obtaining payment not earned.

2 (t) (Blank).

3 (u) Violation of the Health Care Worker Self-Referral
4 Act.

5 (v) Inability to practice with reasonable judgment,
6 skill, or safety as a result of habitual or excessive use
7 of or addiction to alcohol, narcotics, or stimulants or any
8 other chemical agent or drug or as a result of physical
9 illness, including, but not limited to, deterioration
10 through the aging process or loss of motor skill, mental
11 illness, or disability.

12 (w) Violation of the Hearing Instrument Consumer
13 Protection Act.

14 (x) Failure by a speech-language pathology assistant
15 and supervising speech-language pathologist to comply with
16 the supervision requirements set forth in Section 8.8.

17 (y) Wilfully exceeding the scope of duties customarily
18 undertaken by speech-language pathology assistants set
19 forth in Section 8.7 that results in, or may result in,
20 harm to the public.

21 (2) (Blank) ~~The Department shall deny a license or renewal~~
22 ~~authorized by this Act to any person who has defaulted on an~~
23 ~~educational loan guaranteed by the Illinois State Scholarship~~
24 ~~Commission; however, the Department may issue a license or~~
25 ~~renewal if the aforementioned persons have established a~~
26 ~~satisfactory repayment record as determined by the Illinois~~

1 ~~State Scholarship Commission.~~

2 (3) The entry of an order by a circuit court establishing
3 that any person holding a license under this Act is subject to
4 involuntary admission or judicial admission as provided for in
5 the Mental Health and Developmental Disabilities Code,
6 operates as an automatic suspension of that license. That
7 person may have his or her license restored only upon the
8 determination by a circuit court that the patient is no longer
9 subject to involuntary admission or judicial admission and the
10 issuance of an order so finding and discharging the patient,
11 and upon the Board's recommendation to the Department that the
12 license be restored. Where the circumstances so indicate, the
13 Board may recommend to the Department that it require an
14 examination prior to restoring any license automatically
15 suspended under this subsection.

16 (4) The Department may refuse to issue or may suspend the
17 license of any person who fails to file a return, or to pay the
18 tax, penalty, or interest shown in a filed return, or to pay
19 any final assessment of the tax penalty or interest, as
20 required by any tax Act administered by the Department of
21 Revenue, until such time as the requirements of any such tax
22 Act are satisfied.

23 (5) In enforcing this Section, the Board upon a showing of
24 a possible violation may compel an individual licensed to
25 practice under this Act, or who has applied for licensure
26 pursuant to this Act, to submit to a mental or physical

1 examination, or both, as required by and at the expense of the
2 Department. The examining physicians or clinical psychologists
3 shall be those specifically designated by the Board. The
4 individual to be examined may have, at his or her own expense,
5 another physician or clinical psychologist of his or her choice
6 present during all aspects of this examination. Failure of any
7 individual to submit to a mental or physical examination, when
8 directed, shall be grounds for suspension of his or her license
9 until the individual submits to the examination if the Board
10 finds, after notice and hearing, that the refusal to submit to
11 the examination was without reasonable cause.

12 If the Board finds an individual unable to practice because
13 of the reasons set forth in this Section, the Board may require
14 that individual to submit to care, counseling, or treatment by
15 physicians or clinical psychologists approved or designated by
16 the Board, as a condition, term, or restriction for continued,
17 reinstated, or renewed licensure to practice; or, in lieu of
18 care, counseling, or treatment, the Board may recommend to the
19 Department to file a complaint to immediately suspend, revoke,
20 or otherwise discipline the license of the individual. Any
21 individual whose license was granted, continued, reinstated,
22 renewed, disciplined or supervised subject to such terms,
23 conditions, or restrictions, and who fails to comply with such
24 terms, conditions, or restrictions, shall be referred to the
25 Secretary for a determination as to whether the individual
26 shall have his or her license suspended immediately, pending a

1 hearing by the Board.

2 In instances in which the Secretary immediately suspends a
3 person's license under this Section, a hearing on that person's
4 license must be convened by the Board within 15 days after the
5 suspension and completed without appreciable delay. The Board
6 shall have the authority to review the subject individual's
7 record of treatment and counseling regarding the impairment to
8 the extent permitted by applicable federal statutes and
9 regulations safeguarding the confidentiality of medical
10 records.

11 An individual licensed under this Act and affected under
12 this Section shall be afforded an opportunity to demonstrate to
13 the Board that he or she can resume practice in compliance with
14 acceptable and prevailing standards under the provisions of his
15 or her license.

16 (Source: P.A. 95-331, eff. 8-21-07; 95-465, eff. 8-27-07;
17 96-1482, eff. 11-29-10.)

18 Section 80. The Veterinary Medicine and Surgery Practice
19 Act of 2004 is amended by changing Section 25 as follows:

20 (225 ILCS 115/25) (from Ch. 111, par. 7025)

21 (Section scheduled to be repealed on January 1, 2024)

22 Sec. 25. Disciplinary actions.

23 1. The Department may refuse to issue or renew, or may
24 revoke, suspend, place on probation, reprimand, or take other

1 disciplinary or non-disciplinary action as the Department may
2 deem appropriate, including imposing fines not to exceed
3 \$10,000 for each violation and the assessment of costs as
4 provided for in Section 25.3 of this Act, with regard to any
5 license or certificate for any one or combination of the
6 following:

7 A. Material misstatement in furnishing information to
8 the Department.

9 B. Violations of this Act, or of the rules adopted
10 pursuant to this Act.

11 C. Conviction by plea of guilty or nolo contendere,
12 finding of guilt, jury verdict, or entry of judgment or by
13 sentencing of any crime, including, but not limited to,
14 convictions, preceding sentences of supervision,
15 conditional discharge, or first offender probation, under
16 the laws of any jurisdiction of the United States that is
17 (i) a felony or (ii) a misdemeanor, an essential element of
18 which is dishonesty, or that is directly related to the
19 practice of the profession.

20 D. Fraud or any misrepresentation in applying for or
21 procuring a license under this Act or in connection with
22 applying for renewal of a license under this Act.

23 E. Professional incompetence.

24 F. Malpractice.

25 G. Aiding or assisting another person in violating any
26 provision of this Act or rules.

1 H. Failing, within 60 days, to provide information in
2 response to a written request made by the Department.

3 I. Engaging in dishonorable, unethical, or
4 unprofessional conduct of a character likely to deceive,
5 defraud, or harm the public.

6 J. Habitual or excessive use or abuse of drugs defined
7 in law as controlled substances, alcohol, or any other
8 substance that results in the inability to practice with
9 reasonable judgment, skill, or safety.

10 K. Discipline by another state, unit of government,
11 government agency, District of Columbia, territory, or
12 foreign nation, if at least one of the grounds for the
13 discipline is the same or substantially equivalent to those
14 set forth herein.

15 L. Charging for professional services not rendered,
16 including filing false statements for the collection of
17 fees for which services are not rendered.

18 M. A finding by the Board that the licensee or
19 certificate holder, after having his license or
20 certificate placed on probationary status, has violated
21 the terms of probation.

22 N. Willfully making or filing false records or reports
23 in his practice, including but not limited to false records
24 filed with State agencies or departments.

25 O. Physical illness, including but not limited to,
26 deterioration through the aging process, or loss of motor

1 skill which results in the inability to practice under this
2 Act with reasonable judgment, skill, or safety.

3 P. Solicitation of professional services other than
4 permitted advertising.

5 Q. Allowing one's license under this Act to be used by
6 an unlicensed person in violation of this Act.

7 R. Conviction of or cash compromise of a charge or
8 violation of the Harrison Act or the Illinois Controlled
9 Substances Act, regulating narcotics.

10 S. Fraud or dishonesty in applying, treating, or
11 reporting on tuberculin or other biological tests.

12 T. Failing to report, as required by law, or making
13 false report of any contagious or infectious diseases.

14 U. Fraudulent use or misuse of any health certificate,
15 shipping certificate, brand inspection certificate, or
16 other blank forms used in practice that might lead to the
17 dissemination of disease or the transportation of diseased
18 animals dead or alive; or dilatory methods, willful
19 neglect, or misrepresentation in the inspection of milk,
20 meat, poultry, and the by-products thereof.

21 V. Conviction on a charge of cruelty to animals.

22 W. Failure to keep one's premises and all equipment
23 therein in a clean and sanitary condition.

24 X. Failure to provide satisfactory proof of having
25 participated in approved continuing education programs.

26 Y. Mental illness or disability that results in the

1 inability to practice under this Act with reasonable
2 judgment, skill, or safety.

3 Z. Conviction by any court of competent jurisdiction,
4 either within or outside this State, of any violation of
5 any law governing the practice of veterinary medicine, if
6 the Department determines, after investigation, that the
7 person has not been sufficiently rehabilitated to warrant
8 the public trust.

9 AA. Promotion of the sale of drugs, devices,
10 appliances, or goods provided for a patient in any manner
11 to exploit the client for financial gain of the
12 veterinarian.

13 BB. Gross, willful, or continued overcharging for
14 professional services.

15 CC. Practicing under a false or, except as provided by
16 law, an assumed name.

17 DD. Violating state or federal laws or regulations
18 relating to controlled substances or legend drugs.

19 EE. Cheating on or attempting to subvert the licensing
20 examination administered under this Act.

21 FF. Using, prescribing, or selling a prescription drug
22 or the extra-label use of a prescription drug by any means
23 in the absence of a valid veterinarian-client-patient
24 relationship.

25 GG. Failing to report a case of suspected aggravated
26 cruelty, torture, or animal fighting pursuant to Section

1 3.07 or 4.01 of the Humane Care for Animals Act or Section
2 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal
3 Code of 2012.

4 All fines imposed under this Section shall be paid within
5 60 days after the effective date of the order imposing the fine
6 or in accordance with the terms set forth in the order imposing
7 the fine.

8 2. The determination by a circuit court that a licensee or
9 certificate holder is subject to involuntary admission or
10 judicial admission as provided in the Mental Health and
11 Developmental Disabilities Code operates as an automatic
12 suspension. The suspension will end only upon a finding by a
13 court that the patient is no longer subject to involuntary
14 admission or judicial admission and issues an order so finding
15 and discharging the patient. In any case where a license is
16 suspended under this provision, the licensee shall file a
17 petition for restoration and shall include evidence acceptable
18 to the Department that the licensee can resume practice in
19 compliance with acceptable and prevailing standards of his or
20 her ~~their~~ profession.

21 3. All proceedings to suspend, revoke, place on
22 probationary status, or take any other disciplinary action as
23 the Department may deem proper, with regard to a license or
24 certificate on any of the foregoing grounds, must be commenced
25 within 5 years after receipt by the Department of a complaint
26 alleging the commission of or notice of the conviction order

1 for any of the acts described in this Section. Except for
2 proceedings brought for violations of items (CC), (DD), or
3 (EE), no action shall be commenced more than 5 years after the
4 date of the incident or act alleged to have violated this
5 Section. In the event of the settlement of any claim or cause
6 of action in favor of the claimant or the reduction to final
7 judgment of any civil action in favor of the plaintiff, the
8 claim, cause of action, or civil action being grounded on the
9 allegation that a person licensed or certified under this Act
10 was negligent in providing care, the Department shall have an
11 additional period of one year from the date of the settlement
12 or final judgment in which to investigate and begin formal
13 disciplinary proceedings under Section 25.2 of this Act, except
14 as otherwise provided by law. The time during which the holder
15 of the license or certificate was outside the State of Illinois
16 shall not be included within any period of time limiting the
17 commencement of disciplinary action by the Department.

18 4. The Department may refuse to issue or may suspend
19 without hearing, as provided for in the Illinois Code of Civil
20 Procedure, the license of any person who fails to file a
21 return, to pay the tax, penalty, or interest shown in a filed
22 return, or to pay any final assessment of tax, penalty, or
23 interest as required by any tax Act administered by the
24 Illinois Department of Revenue, until such time as the
25 requirements of any such tax Act are satisfied in accordance
26 with subsection (g) of Section 2105-15 of the Civil

1 Administrative Code of Illinois.

2 5. In enforcing this Section, the Department, upon a
3 showing of a possible violation, may compel any individual who
4 is registered under this Act or any individual who has applied
5 for registration to submit to a mental or physical examination
6 or evaluation, or both, which may include a substance abuse or
7 sexual offender evaluation, at the expense of the Department.
8 The Department shall specifically designate the examining
9 physician licensed to practice medicine in all of its branches
10 or, if applicable, the multidisciplinary team involved in
11 providing the mental or physical examination and evaluation.
12 The multidisciplinary team shall be led by a physician licensed
13 to practice medicine in all of its branches and may consist of
14 one or more or a combination of physicians licensed to practice
15 medicine in all of its branches, licensed chiropractic
16 physicians, licensed clinical psychologists, licensed clinical
17 social workers, licensed clinical professional counselors, and
18 other professional and administrative staff. Any examining
19 physician or member of the multidisciplinary team may require
20 any person ordered to submit to an examination and evaluation
21 pursuant to this Section to submit to any additional
22 supplemental testing deemed necessary to complete any
23 examination or evaluation process, including, but not limited
24 to, blood testing, urinalysis, psychological testing, or
25 neuropsychological testing.

26 The Department may order the examining physician or any

1 member of the multidisciplinary team to provide to the
2 Department any and all records, including business records,
3 that relate to the examination and evaluation, including any
4 supplemental testing performed. The Department may order the
5 examining physician or any member of the multidisciplinary team
6 to present testimony concerning this examination and
7 evaluation of the registrant or applicant, including testimony
8 concerning any supplemental testing or documents relating to
9 the examination and evaluation. No information, report,
10 record, or other documents in any way related to the
11 examination and evaluation shall be excluded by reason of any
12 common law or statutory privilege relating to communication
13 between the licensee or applicant and the examining physician
14 or any member of the multidisciplinary team. No authorization
15 is necessary from the registrant or applicant ordered to
16 undergo an evaluation and examination for the examining
17 physician or any member of the multidisciplinary team to
18 provide information, reports, records, or other documents or to
19 provide any testimony regarding the examination and
20 evaluation. The individual to be examined may have, at his or
21 her own expense, another physician of his or her choice present
22 during all aspects of the examination.

23 Failure of any individual to submit to mental or physical
24 examination or evaluation, or both, when directed, shall result
25 in an automatic suspension without hearing, until such time as
26 the individual submits to the examination. If the Department

1 finds a registrant unable to practice because of the reasons
2 set forth in this Section, the Department shall require such
3 registrant to submit to care, counseling, or treatment by
4 physicians approved or designated by the Department as a
5 condition for continued, reinstated, or renewed registration.

6 In instances in which the Secretary immediately suspends a
7 registration under this Section, a hearing upon such person's
8 registration must be convened by the Department within 15 days
9 after such suspension and completed without appreciable delay.
10 The Department shall have the authority to review the
11 registrant's record of treatment and counseling regarding the
12 impairment to the extent permitted by applicable federal
13 statutes and regulations safeguarding the confidentiality of
14 medical records.

15 Individuals registered under this Act who ~~that~~ are affected
16 under this Section, shall be afforded an opportunity to
17 demonstrate to the Department that they can resume practice in
18 compliance with acceptable and prevailing standards under the
19 provisions of their registration.

20 6. (Blank) ~~The Department shall deny a license or renewal~~
21 ~~authorized by this Act to a person who has defaulted on an~~
22 ~~educational loan or scholarship provided or guaranteed by the~~
23 ~~Illinois Student Assistance Commission or any governmental~~
24 ~~agency of this State in accordance with paragraph (5) of~~
25 ~~subsection (a) of Section 2105-15 of the Civil Administrative~~
26 ~~Code of Illinois.~~

1 7. In cases where the Department of Healthcare and Family
2 Services has previously determined a licensee or a potential
3 licensee is more than 30 days delinquent in the payment of
4 child support and has subsequently certified the delinquency to
5 the Department, the Department may refuse to issue or renew or
6 may revoke or suspend that person's license or may take other
7 disciplinary action against that person based solely upon the
8 certification of delinquency made by the Department of
9 Healthcare and Family Services in accordance with paragraph (5)
10 of subsection (a) of Section 2105-15 ~~1205-15~~ of the Civil
11 Administrative Code of Illinois.

12 (Source: P.A. 97-1108, eff. 1-1-13; 97-1150, eff. 1-25-13;
13 98-339, eff. 12-31-13; revised 11-25-14.)

14 Section 85. The Registered Surgical Assistant and
15 Registered Surgical Technologist Title Protection Act is
16 amended by changing Section 75 as follows:

17 (225 ILCS 130/75)

18 (Section scheduled to be repealed on January 1, 2024)

19 Sec. 75. Grounds for disciplinary action.

20 (a) The Department may refuse to issue, renew, or restore a
21 registration, may revoke or suspend a registration, or may
22 place on probation, reprimand, or take other disciplinary or
23 non-disciplinary action with regard to a person registered
24 under this Act, including but not limited to the imposition of

1 fines not to exceed \$10,000 for each violation and the
2 assessment of costs as provided for in Section 90, for any one
3 or combination of the following causes:

4 (1) Making a material misstatement in furnishing
5 information to the Department.

6 (2) Violating a provision of this Act or rules adopted
7 under this Act.

8 (3) Conviction by plea of guilty or nolo contendere,
9 finding of guilt, jury verdict, or entry of judgment or by
10 sentencing of any crime, including, but not limited to,
11 convictions, preceding sentences of supervision,
12 conditional discharge, or first offender probation, under
13 the laws of any jurisdiction of the United States that is
14 (i) a felony or (ii) a misdemeanor, an essential element of
15 which is dishonesty, or that is directly related to the
16 practice of the profession.

17 (4) Fraud or misrepresentation in applying for,
18 renewing, restoring, reinstating, or procuring a
19 registration under this Act.

20 (5) Aiding or assisting another person in violating a
21 provision of this Act or its rules.

22 (6) Failing to provide information within 60 days in
23 response to a written request made by the Department.

24 (7) Engaging in dishonorable, unethical, or
25 unprofessional conduct of a character likely to deceive,
26 defraud, or harm the public, as defined by rule of the

1 Department.

2 (8) Discipline by another United States jurisdiction,
3 governmental agency, unit of government, or foreign
4 nation, if at least one of the grounds for discipline is
5 the same or substantially equivalent to those set forth in
6 this Section.

7 (9) Directly or indirectly giving to or receiving from
8 a person, firm, corporation, partnership, or association a
9 fee, commission, rebate, or other form of compensation for
10 professional services not actually or personally rendered.
11 Nothing in this paragraph (9) affects any bona fide
12 independent contractor or employment arrangements among
13 health care professionals, health facilities, health care
14 providers, or other entities, except as otherwise
15 prohibited by law. Any employment arrangements may include
16 provisions for compensation, health insurance, pension, or
17 other employment benefits for the provision of services
18 within the scope of the registrant's practice under this
19 Act. Nothing in this paragraph (9) shall be construed to
20 require an employment arrangement to receive professional
21 fees for services rendered.

22 (10) A finding by the Department that the registrant,
23 after having his or her registration placed on probationary
24 status, has violated the terms of probation.

25 (11) Willfully making or filing false records or
26 reports in his or her practice, including but not limited

1 to false records or reports filed with State agencies.

2 (12) Willfully making or signing a false statement,
3 certificate, or affidavit to induce payment.

4 (13) Willfully failing to report an instance of
5 suspected child abuse or neglect as required under the
6 Abused and Neglected Child Reporting Act.

7 (14) Being named as a perpetrator in an indicated
8 report by the Department of Children and Family Services
9 under the Abused and Neglected Child Reporting Act and upon
10 proof by clear and convincing evidence that the registrant
11 has caused a child to be an abused child or neglected child
12 as defined in the Abused and Neglected Child Reporting Act.

13 (15) (Blank).

14 (16) Failure to report to the Department (A) any
15 adverse final action taken against the registrant by
16 another registering or licensing jurisdiction, government
17 agency, law enforcement agency, or any court or (B)
18 liability for conduct that would constitute grounds for
19 action as set forth in this Section.

20 (17) Habitual or excessive use or abuse of drugs
21 defined in law as controlled substances, alcohol, or any
22 other substance that results in the inability to practice
23 with reasonable judgment, skill, or safety.

24 (18) Physical or mental illness, including but not
25 limited to deterioration through the aging process or loss
26 of motor skills, which results in the inability to practice

1 the profession for which he or she is registered with
2 reasonable judgment, skill, or safety.

3 (19) Gross malpractice.

4 (20) Immoral conduct in the commission of an act
5 related to the registrant's practice, including but not
6 limited to sexual abuse, sexual misconduct, or sexual
7 exploitation.

8 (21) Violation of the Health Care Worker Self-Referral
9 Act.

10 (b) The Department may refuse to issue or may suspend
11 without hearing the registration of a person who fails to file
12 a return, to pay the tax, penalty, or interest shown in a filed
13 return, or to pay a final assessment of the tax, penalty, or
14 interest as required by a tax Act administered by the
15 Department of Revenue, until the requirements of the tax Act
16 are satisfied in accordance with subsection (g) of Section
17 2105-15 of the Department of Regulation Law of the Civil
18 Administrative Code of Illinois.

19 (c) The determination by a circuit court that a registrant
20 is subject to involuntary admission or judicial admission as
21 provided in the Mental Health and Developmental Disabilities
22 Code operates as an automatic suspension. The suspension will
23 end only upon (1) a finding by a court that the patient is no
24 longer subject to involuntary admission or judicial admission,
25 (2) issuance of an order so finding and discharging the
26 patient, and (3) filing of a petition for restoration

1 demonstrating fitness to practice.

2 (d) (Blank) ~~The Department shall deny a registration or~~
3 ~~renewal authorized by this Act to a person who has defaulted on~~
4 ~~an educational loan or scholarship provided or guaranteed by~~
5 ~~the Illinois Student Assistance Commission or any governmental~~
6 ~~agency of this State in accordance with paragraph (5) of~~
7 ~~subsection (a) of Section 2105-15 of the Department of~~
8 ~~Regulation Law of the Civil Administrative Code of Illinois.~~

9 (e) In cases where the Department of Healthcare and Family
10 Services has previously determined a registrant or a potential
11 registrant is more than 30 days delinquent in the payment of
12 child support and has subsequently certified the delinquency to
13 the Department, the Department may refuse to issue or renew or
14 may revoke or suspend that person's registration or may take
15 other disciplinary action against that person based solely upon
16 the certification of delinquency made by the Department of
17 Healthcare and Family Services in accordance with paragraph (5)
18 of subsection (a) of Section 2105-15 of the Department of
19 Professional Regulation Law of the Civil Administrative Code of
20 Illinois.

21 (f) In enforcing this Section, the Department, upon a
22 showing of a possible violation, may compel any individual
23 registered under this Act or any individual who has applied for
24 registration to submit to a mental or physical examination and
25 evaluation, or both, that may include a substance abuse or
26 sexual offender evaluation, at the expense of the Department.

1 The Department shall specifically designate the examining
2 physician licensed to practice medicine in all of its branches
3 or, if applicable, the multidisciplinary team involved in
4 providing the mental or physical examination and evaluation, or
5 both. The multidisciplinary team shall be led by a physician
6 licensed to practice medicine in all of its branches and may
7 consist of one or more or a combination of physicians licensed
8 to practice medicine in all of its branches, licensed
9 chiropractic physicians, licensed clinical psychologists,
10 licensed clinical social workers, licensed clinical
11 professional counselors, and other professional and
12 administrative staff. Any examining physician or member of the
13 multidisciplinary team may require any person ordered to submit
14 to an examination and evaluation pursuant to this Section to
15 submit to any additional supplemental testing deemed necessary
16 to complete any examination or evaluation process, including,
17 but not limited to, blood testing, urinalysis, psychological
18 testing, or neuropsychological testing.

19 The Department may order the examining physician or any
20 member of the multidisciplinary team to provide to the
21 Department any and all records, including business records,
22 that relate to the examination and evaluation, including any
23 supplemental testing performed. The Department may order the
24 examining physician or any member of the multidisciplinary team
25 to present testimony concerning this examination and
26 evaluation of the registrant or applicant, including testimony

1 concerning any supplemental testing or documents relating to
2 the examination and evaluation. No information, report,
3 record, or other documents in any way related to the
4 examination and evaluation shall be excluded by reason of any
5 common law or statutory privilege relating to communication
6 between the registrant or applicant and the examining physician
7 or any member of the multidisciplinary team. No authorization
8 is necessary from the registrant or applicant ordered to
9 undergo an evaluation and examination for the examining
10 physician or any member of the multidisciplinary team to
11 provide information, reports, records, or other documents or to
12 provide any testimony regarding the examination and
13 evaluation. The individual to be examined may have, at his or
14 her own expense, another physician of his or her choice present
15 during all aspects of the examination.

16 Failure of any individual to submit to mental or physical
17 examination and evaluation, or both, when directed, shall
18 result in an automatic suspension without a hearing until such
19 time as the individual submits to the examination. If the
20 Department finds a registrant unable to practice because of the
21 reasons set forth in this Section, the Department shall require
22 such registrant to submit to care, counseling, or treatment by
23 physicians approved or designated by the Department as a
24 condition for continued, reinstated, or renewed registration.

25 When the Secretary immediately suspends a registration
26 under this Section, a hearing upon such person's registration

1 must be convened by the Department within 15 days after such
2 suspension and completed without appreciable delay. The
3 Department shall have the authority to review the registrant's
4 record of treatment and counseling regarding the impairment to
5 the extent permitted by applicable federal statutes and
6 regulations safeguarding the confidentiality of medical
7 records.

8 Individuals registered under this Act and affected under
9 this Section shall be afforded an opportunity to demonstrate to
10 the Department that they can resume practice in compliance with
11 acceptable and prevailing standards under the provisions of
12 their registration.

13 (g) All fines imposed under this Section shall be paid
14 within 60 days after the effective date of the order imposing
15 the fine or in accordance with the terms set forth in the order
16 imposing the fine.

17 (Source: P.A. 98-364, eff. 12-31-13.)

18 Section 90. The Genetic Counselor Licensing Act is amended
19 by changing Section 95 as follows:

20 (225 ILCS 135/95)

21 (Section scheduled to be repealed on January 1, 2025)

22 Sec. 95. Grounds for discipline.

23 (a) The Department may refuse to issue, renew, or may
24 revoke, suspend, place on probation, reprimand, or take other

1 disciplinary or non-disciplinary action as the Department
2 deems appropriate, including the issuance of fines not to
3 exceed \$10,000 for each violation, with regard to any license
4 for any one or more of the following:

5 (1) Material misstatement in furnishing information to
6 the Department or to any other State agency.

7 (2) Violations or negligent or intentional disregard
8 of this Act, or any of its rules.

9 (3) Conviction by plea of guilty or nolo contendere,
10 finding of guilt, jury verdict, or entry of judgment or
11 sentencing, including, but not limited to, convictions,
12 preceding sentences of supervision, conditional discharge,
13 or first offender probation, under the laws of any
14 jurisdiction of the United States: (i) that is a felony or
15 (ii) that is a misdemeanor, an essential element of which
16 is dishonesty, or that is directly related to the practice
17 of genetic counseling.

18 (4) Making any misrepresentation for the purpose of
19 obtaining a license, or violating any provision of this Act
20 or its rules.

21 (5) Negligence in the rendering of genetic counseling
22 services.

23 (6) Failure to provide genetic testing results and any
24 requested information to a referring physician licensed to
25 practice medicine in all its branches, advanced practice
26 nurse, or physician assistant.

1 (7) Aiding or assisting another person in violating any
2 provision of this Act or any rules.

3 (8) Failing to provide information within 60 days in
4 response to a written request made by the Department.

5 (9) Engaging in dishonorable, unethical, or
6 unprofessional conduct of a character likely to deceive,
7 defraud, or harm the public and violating the rules of
8 professional conduct adopted by the Department.

9 (10) Failing to maintain the confidentiality of any
10 information received from a client, unless otherwise
11 authorized or required by law.

12 (10.5) Failure to maintain client records of services
13 provided and provide copies to clients upon request.

14 (11) Exploiting a client for personal advantage,
15 profit, or interest.

16 (12) Habitual or excessive use or addiction to alcohol,
17 narcotics, stimulants, or any other chemical agent or drug
18 which results in inability to practice with reasonable
19 skill, judgment, or safety.

20 (13) Discipline by another governmental agency or unit
21 of government, by any jurisdiction of the United States, or
22 by a foreign nation, if at least one of the grounds for the
23 discipline is the same or substantially equivalent to those
24 set forth in this Section.

25 (14) Directly or indirectly giving to or receiving from
26 any person, firm, corporation, partnership, or association

1 any fee, commission, rebate, or other form of compensation
2 for any professional service not actually rendered.
3 Nothing in this paragraph (14) affects any bona fide
4 independent contractor or employment arrangements among
5 health care professionals, health facilities, health care
6 providers, or other entities, except as otherwise
7 prohibited by law. Any employment arrangements may include
8 provisions for compensation, health insurance, pension, or
9 other employment benefits for the provision of services
10 within the scope of the licensee's practice under this Act.
11 Nothing in this paragraph (14) shall be construed to
12 require an employment arrangement to receive professional
13 fees for services rendered.

14 (15) A finding by the Department that the licensee,
15 after having the license placed on probationary status has
16 violated the terms of probation.

17 (16) Failing to refer a client to other health care
18 professionals when the licensee is unable or unwilling to
19 adequately support or serve the client.

20 (17) Willfully filing false reports relating to a
21 licensee's practice, including but not limited to false
22 records filed with federal or State agencies or
23 departments.

24 (18) Willfully failing to report an instance of
25 suspected child abuse or neglect as required by the Abused
26 and Neglected Child Reporting Act.

1 (19) Being named as a perpetrator in an indicated
2 report by the Department of Children and Family Services
3 pursuant to the Abused and Neglected Child Reporting Act,
4 and upon proof by clear and convincing evidence that the
5 licensee has caused a child to be an abused child or
6 neglected child as defined in the Abused and Neglected
7 Child Reporting Act.

8 (20) Physical or mental disability, including
9 deterioration through the aging process or loss of
10 abilities and skills which results in the inability to
11 practice the profession with reasonable judgment, skill,
12 or safety.

13 (21) Solicitation of professional services by using
14 false or misleading advertising.

15 (22) Failure to file a return, or to pay the tax,
16 penalty of interest shown in a filed return, or to pay any
17 final assessment of tax, penalty or interest, as required
18 by any tax Act administered by the Illinois Department of
19 Revenue or any successor agency or the Internal Revenue
20 Service or any successor agency.

21 (23) Fraud or making any misrepresentation in applying
22 for or procuring a license under this Act or in connection
23 with applying for renewal of a license under this Act.

24 (24) Practicing or attempting to practice under a name
25 other than the full name as shown on the license or any
26 other legally authorized name.

1 (25) Gross overcharging for professional services,
2 including filing statements for collection of fees or
3 monies for which services are not rendered.

4 (26) Providing genetic counseling services to
5 individuals, couples, groups, or families without a
6 referral from either a physician licensed to practice
7 medicine in all its branches, an advanced practice nurse
8 who has a collaborative agreement with a collaborating
9 physician that authorizes the advanced practice nurse to
10 make referrals to a genetic counselor, or a physician
11 assistant who has been delegated authority to make
12 referrals to genetic counselors.

13 (27) Charging for professional services not rendered,
14 including filing false statements for the collection of
15 fees for which services are not rendered.

16 (28) Allowing one's license under this Act to be used
17 by an unlicensed person in violation of this Act.

18 (b) ~~(Blank) The Department shall deny, without hearing, any~~
19 ~~application or renewal for a license under this Act to any~~
20 ~~person who has defaulted on an educational loan guaranteed by~~
21 ~~the Illinois State Assistance Commission; however, the~~
22 ~~Department may issue a license or renewal if the person in~~
23 ~~default has established a satisfactory repayment record as~~
24 ~~determined by the Illinois Student Assistance Commission.~~

25 (c) The determination by a court that a licensee is subject
26 to involuntary admission or judicial admission as provided in

1 the Mental Health and Developmental Disabilities Code will
2 result in an automatic suspension of his or her license. The
3 suspension will end upon a finding by a court that the licensee
4 is no longer subject to involuntary admission or judicial
5 admission, the issuance of an order so finding and discharging
6 the patient, and the determination of the Secretary that the
7 licensee be allowed to resume professional practice.

8 (d) The Department may refuse to issue or renew or may
9 suspend without hearing the license of any person who fails to
10 file a return, to pay the tax penalty or interest shown in a
11 filed return, or to pay any final assessment of the tax,
12 penalty, or interest as required by any Act regarding the
13 payment of taxes administered by the Illinois Department of
14 Revenue until the requirements of the Act are satisfied in
15 accordance with subsection (g) of Section 2105-15 of the Civil
16 Administrative Code of Illinois.

17 (e) In cases where the Department of Healthcare and Family
18 Services has previously determined that a licensee or a
19 potential licensee is more than 30 days delinquent in the
20 payment of child support and has subsequently certified the
21 delinquency to the Department, the Department may refuse to
22 issue or renew or may revoke or suspend that person's license
23 or may take other disciplinary action against that person based
24 solely upon the certification of delinquency made by the
25 Department of Healthcare and Family Services in accordance with
26 item (5) of subsection (a) of Section 2105-15 of the Department

1 of Professional Regulation Law of the Civil Administrative Code
2 of Illinois.

3 (f) All fines or costs imposed under this Section shall be
4 paid within 60 days after the effective date of the order
5 imposing the fine or costs or in accordance with the terms set
6 forth in the order imposing the fine.

7 (Source: P.A. 97-813, eff. 7-13-12; 98-813, eff. 1-1-15.)

8 Section 95. The Illinois Architecture Practice Act of 1989
9 is amended by changing Section 22 as follows:

10 (225 ILCS 305/22) (from Ch. 111, par. 1322)

11 (Section scheduled to be repealed on January 1, 2020)

12 Sec. 22. Refusal, suspension and revocation of licenses;
13 causes.

14 (a) The Department may, singularly or in combination,
15 refuse to issue, renew or restore, or may suspend, revoke,
16 place on probation, or take other disciplinary or
17 non-disciplinary action as deemed appropriate, including, but
18 not limited to, the imposition of fines not to exceed \$10,000
19 for each violation, as the Department may deem proper, with
20 regard to a license for any one or combination of the following
21 causes:

22 (1) material misstatement in furnishing information to
23 the Department;

24 (2) negligence, incompetence or misconduct in the

1 practice of architecture;

2 (3) failure to comply with any of the provisions of
3 this Act or any of the rules;

4 (4) making any misrepresentation for the purpose of
5 obtaining licensure;

6 (5) purposefully making false statements or signing
7 false statements, certificates or affidavits to induce
8 payment;

9 (6) conviction of or plea of guilty or nolo contendere
10 to any crime that is a felony under the laws of the United
11 States or any state or territory thereof or that is a
12 misdemeanor, an essential element of which is dishonesty,
13 or any crime that is directly related to the practice of
14 the profession of architecture;

15 (7) aiding or assisting another person in violating any
16 provision of this Act or its rules;

17 (8) signing, affixing the architect's seal or
18 permitting the architect's seal to be affixed to any
19 technical submission not prepared by the architect or under
20 that architect's responsible control;

21 (9) engaging in dishonorable, unethical or
22 unprofessional conduct of a character likely to deceive,
23 defraud or harm the public;

24 (10) habitual or excessive use or addiction to alcohol,
25 narcotics, stimulants, or any other chemical agent or drug
26 that results in the inability to practice with reasonable

1 judgment, skill, or safety;

2 (11) making a statement of compliance pursuant to the
3 Environmental Barriers Act that technical submissions
4 prepared by the architect or prepared under the architect's
5 responsible control for construction or alteration of an
6 occupancy required to be in compliance with the
7 Environmental Barriers Act are in compliance with the
8 Environmental Barriers Act when such technical submissions
9 are not in compliance;

10 (12) a finding by the Board that an applicant or
11 registrant has failed to pay a fine imposed by the
12 Department or a registrant, whose license has been placed
13 on probationary status, has violated the terms of
14 probation;

15 (13) discipline by another state, territory, foreign
16 country, the District of Columbia, the United States
17 government, or any other governmental agency, if at least
18 one of the grounds for discipline is the same or
19 substantially equivalent to those set forth herein;

20 (14) failure to provide information in response to a
21 written request made by the Department within 30 days after
22 the receipt of such written request;

23 (15) physical illness, including, but not limited to,
24 deterioration through the aging process or loss of motor
25 skill, mental illness, or disability which results in the
26 inability to practice the profession with reasonable

1 judgment, skill, and safety, including without limitation
2 deterioration through the aging process, mental illness,
3 or disability.

4 (a-5) In enforcing this Section, the Department or Board,
5 upon a showing of a possible violation, may order a licensee or
6 applicant to submit to a mental or physical examination, or
7 both, at the expense of the Department. The Department or Board
8 may order the examining physician to present testimony
9 concerning his or her examination of the licensee or applicant.
10 No information shall be excluded by reason of any common law or
11 statutory privilege relating to communications between the
12 licensee or applicant and the examining physician. The
13 examining physicians shall be specifically designated by the
14 Board or Department. The licensee or applicant may have, at his
15 or her own expense, another physician of his or her choice
16 present during all aspects of the examination. Failure of a
17 licensee or applicant to submit to any such examination when
18 directed, without reasonable cause as defined by rule, shall be
19 grounds for either the immediate suspension of his or her
20 license or immediate denial of his or her application.

21 If the Secretary immediately suspends the license of a
22 licensee for his or her failure to submit to a mental or
23 physical examination when directed, a hearing must be convened
24 by the Department within 15 days after the suspension and
25 completed without appreciable delay.

26 If the Secretary otherwise suspends a license pursuant to

1 the results of the licensee's mental or physical examination, a
2 hearing must be convened by the Department within 15 days after
3 the suspension and completed without appreciable delay. The
4 Department and Board shall have the authority to review the
5 licensee's record of treatment and counseling regarding the
6 relevant impairment or impairments to the extent permitted by
7 applicable federal statutes and regulations safeguarding the
8 confidentiality of medical records.

9 Any licensee suspended under this subsection (a-5) shall be
10 afforded an opportunity to demonstrate to the Department or
11 Board that he or she can resume practice in compliance with the
12 acceptable and prevailing standards under the provisions of his
13 or her license.

14 (b) The determination by a circuit court that a licensee is
15 subject to involuntary admission or judicial admission, as
16 provided in the Mental Health and Developmental Disabilities
17 Code, operates as an automatic suspension. Such suspension will
18 end only upon a finding by a court that the patient is no
19 longer subject to involuntary admission or judicial admission,
20 the issuance of an order so finding and discharging the
21 patient, and the recommendation of the Board to the Secretary
22 that the licensee be allowed to resume practice.

23 (c) (Blank) ~~The Department shall deny a license or renewal~~
24 ~~authorized by this Act to a person who has defaulted on an~~
25 ~~educational loan or scholarship provided or guaranteed by the~~
26 ~~Illinois Student Assistance Commission or any governmental~~

1 ~~agency of this State in accordance with subdivision (a) (5) of~~
2 ~~Section 2105-15 of the Department of Professional Regulation~~
3 ~~Law of the Civil Administrative Code of Illinois.~~

4 (d) In cases where the Department of Healthcare and Family
5 Services (formerly the Department of Public Aid) has previously
6 determined that a licensee or a potential licensee is more than
7 30 days delinquent in the payment of child support and has
8 subsequently certified the delinquency to the Department, the
9 Department shall refuse to issue or renew or shall revoke or
10 suspend that person's license or shall take other disciplinary
11 action against that person based solely upon the certification
12 of delinquency made by the Department of Healthcare and Family
13 Services in accordance with subdivision (a) (5) of Section
14 2105-15 of the Department of Professional Regulation Law of the
15 Civil Administrative Code of Illinois.

16 (e) The Department shall deny a license or renewal
17 authorized by this Act to a person who has failed to file a
18 return, to pay the tax, penalty, or interest shown in a filed
19 return, or to pay any final assessment of tax, penalty, or
20 interest as required by any tax Act administered by the
21 Department of Revenue, until such time as the requirements of
22 the tax Act are satisfied in accordance with subsection (g) of
23 Section 2105-15 of the Department of Professional Regulation
24 Law of the Civil Administrative Code of Illinois.

25 (f) Persons who assist the Department as consultants or
26 expert witnesses in the investigation or prosecution of alleged

1 violations of the Act, licensure matters, restoration
2 proceedings, or criminal prosecutions, shall not be liable for
3 damages in any civil action or proceeding as a result of such
4 assistance, except upon proof of actual malice. The attorney
5 general shall defend such persons in any such action or
6 proceeding.

7 (Source: P.A. 98-756, eff. 7-16-14.)

8 Section 100. The Interior Design Title Act is amended by
9 changing Section 13 as follows:

10 (225 ILCS 310/13) (from Ch. 111, par. 8213)

11 (Section scheduled to be repealed on January 1, 2022)

12 Sec. 13. Refusal, revocation or suspension of
13 registration. The Department may refuse to issue, renew, or
14 restore or may revoke, suspend, place on probation, reprimand
15 or take other disciplinary action as the Department may deem
16 proper, including fines not to exceed \$5,000 for each
17 violation, with regard to any registration for any one or
18 combination of the following causes:

19 (a) Fraud in procuring the certificate of
20 registration.

21 (b) Habitual intoxication or addiction to the use of
22 drugs.

23 (c) Making any misrepresentations or false promises,
24 directly or indirectly, to influence, persuade, or induce

1 patronage.

2 (d) Professional connection or association with, or
3 lending his or her name, to another for illegal use of the
4 title "registered interior designer", or professional
5 connection or association with any person, firm, or
6 corporation holding itself out in any manner contrary to
7 this Act.

8 (e) Obtaining or seeking to obtain checks, money, or
9 any other items of value by false or fraudulent
10 representations.

11 (f) Use of the title under a name other than his or her
12 own.

13 (g) Improper, unprofessional, or dishonorable conduct
14 of a character likely to deceive, defraud, or harm the
15 public.

16 (h) Conviction in this or another state, or federal
17 court, of any crime which is a felony, if the Department
18 determines, after investigation, that such person has not
19 been sufficiently rehabilitated to warrant the public
20 trust.

21 (i) A violation of any provision of this Act or its
22 rules.

23 (j) Revocation by another state, the District of
24 Columbia, territory, or foreign nation of an interior
25 design or residential interior design registration if at
26 least one of the grounds for that revocation is the same as

1 or the equivalent of one of the grounds for revocation set
2 forth in this Act.

3 (k) Mental incompetence as declared by a court of
4 competent jurisdiction.

5 (l) Being named as a perpetrator in an indicated report
6 by the Department of Children and Family Services pursuant
7 to the Abused and Neglected Child Reporting Act, and upon
8 proof by clear and convincing evidence that the registrant
9 has caused a child to be an abused child or neglected child
10 as defined in the Abused and Neglected Child Reporting Act.

11 ~~The Department shall deny a registration or renewal~~
12 ~~authorized by this Act to any person who has defaulted on an~~
13 ~~educational loan guaranteed by the Illinois Student Assistance~~
14 ~~Commission; however, the Department may issue a certificate of~~
15 ~~registration or renewal if such person has established a~~
16 ~~satisfactory repayment record as determined by the Illinois~~
17 ~~Student Assistance Commission.~~

18 The Department may refuse to issue or may suspend the
19 registration of any person who fails to file a return, or to
20 pay the tax, penalty, or interest showing in a filed return, or
21 to pay any final assessment of tax, penalty, or interest, as
22 required by any tax Act administered by the Illinois Department
23 of Revenue, until such time as the requirements of any such tax
24 Act are satisfied.

25 The entry of a decree by any circuit court establishing
26 that any person holding a certificate of registration under

1 this Act is a person subject to involuntary admission under the
2 Mental Health and Developmental Disabilities Code shall
3 operate as a suspension of that registration. That person may
4 resume using the title "registered interior designer" only upon
5 a finding by the Board that he or she has been determined to be
6 no longer subject to involuntary admission by the court and
7 upon the Board's recommendation to the Director that he or she
8 be permitted to resume using the title "registered interior
9 designer".

10 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

11 Section 105. The Professional Engineering Practice Act of
12 1989 is amended by changing Section 24 as follows:

13 (225 ILCS 325/24) (from Ch. 111, par. 5224)

14 (Section scheduled to be repealed on January 1, 2020)

15 Sec. 24. Rules of professional conduct; disciplinary or
16 administrative action.

17 (a) The Department shall adopt rules setting standards of
18 professional conduct and establish appropriate penalties for
19 the breach of such rules.

20 (a-1) The Department may, singularly or in combination,
21 refuse to issue, renew, or restore a license or may revoke,
22 suspend, place on probation, reprimand, or take other
23 disciplinary or non-disciplinary action with regard to a person
24 licensed under this Act, including but not limited to, the

1 imposition of a fine not to exceed \$10,000 per violation upon
2 any person, corporation, partnership, or professional design
3 firm licensed or registered under this Act, for any one or
4 combination of the following causes:

5 (1) Material misstatement in furnishing information to
6 the Department.

7 (2) Violations of this Act or any of its rules.

8 (3) Conviction of or entry of a plea of guilty or nolo
9 contendere to any crime that is a felony under the laws of
10 the United States or any state or territory thereof, or
11 that is a misdemeanor, an essential element of which is
12 dishonesty, or any crime that is directly related to the
13 practice of engineering.

14 (4) Making any misrepresentation for the purpose of
15 obtaining, renewing, or restoring a license or violating
16 any provision of this Act or the rules promulgated under
17 this Act pertaining to advertising.

18 (5) Willfully making or signing a false statement,
19 certificate, or affidavit to induce payment.

20 (6) Negligence, incompetence or misconduct in the
21 practice of professional engineering as a licensed
22 professional engineer or in working as an engineer intern.

23 (7) Aiding or assisting another person in violating any
24 provision of this Act or its rules.

25 (8) Failing to provide information in response to a
26 written request made by the Department within 30 days after

1 receipt of such written request.

2 (9) Engaging in dishonorable, unethical or
3 unprofessional conduct of a character likely to deceive,
4 defraud or harm the public.

5 (10) Inability to practice the profession with
6 reasonable judgment, skill, or safety as a result of a
7 physical illness, including, but not limited to,
8 deterioration through the aging process or loss of motor
9 skill, or mental illness or disability.

10 (11) Discipline by the United States Government,
11 another state, District of Columbia, territory, foreign
12 nation or government agency, if at least one of the grounds
13 for the discipline is the same or substantially equivalent
14 to those set forth in this Act.

15 (12) Directly or indirectly giving to or receiving from
16 any person, firm, corporation, partnership or association
17 any fee, commission, rebate or other form of compensation
18 for any professional services not actually or personally
19 rendered.

20 (13) A finding by the Department that an applicant or
21 registrant has failed to pay a fine imposed by the
22 Department, a registrant whose license has been placed on
23 probationary status has violated the terms of probation, or
24 a registrant has practiced on an expired, inactive,
25 suspended, or revoked license.

26 (14) Signing, affixing the professional engineer's

1 seal or permitting the professional engineer's seal to be
2 affixed to any technical submissions not prepared as
3 required by Section 14 or completely reviewed by the
4 professional engineer or under the professional engineer's
5 direct supervision.

6 (15) Inability to practice the profession with
7 reasonable judgment, skill or safety as a result of
8 habitual or excessive use or addiction to alcohol,
9 narcotics, stimulants, or any other chemical agent or drug.

10 (16) The making of a statement pursuant to the
11 Environmental Barriers Act that a plan for construction or
12 alteration of a public facility or for construction of a
13 multi-story housing unit is in compliance with the
14 Environmental Barriers Act when such plan is not in
15 compliance.

16 (17) (Blank).

17 (a-2) The Department shall deny a license or renewal
18 authorized by this Act to a person who has failed to file a
19 return, to pay the tax, penalty, or interest shown in a filed
20 return, or to pay any final assessment of tax, penalty, or
21 interest as required by any tax Act administered by the
22 Department of Revenue, until such time as the requirements of
23 the tax Act are satisfied in accordance with subsection (g) of
24 Section 2105-15 of the Department of Professional Regulation
25 Law of the Civil Administrative Code of Illinois (20 ILCS
26 2105/2105-15).

1 (a-3) (Blank) ~~The Department shall deny a license or~~
2 ~~renewal authorized by this Act to a person who has defaulted on~~
3 ~~an educational loan or scholarship provided or guaranteed by~~
4 ~~the Illinois Student Assistance Commission or any governmental~~
5 ~~agency of this State in accordance with subdivision (a) (5) of~~
6 ~~Section 2105-15 of the Department of Professional Regulation~~
7 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~
8 ~~2105/2105-15).~~

9 (a-4) In cases where the Department of Healthcare and
10 Family Services (formerly the Department of Public Aid) has
11 previously determined that a licensee or a potential licensee
12 is more than 30 days delinquent in the payment of child support
13 and has subsequently certified the delinquency to the
14 Department, the Department shall refuse to issue or renew or
15 shall revoke or suspend that person's license or shall take
16 other disciplinary action against that person based solely upon
17 the certification of delinquency made by the Department of
18 Healthcare and Family Services in accordance with subdivision
19 (a) (5) of Section 2105-15 of the Department of Professional
20 Regulation Law of the Civil Administrative Code of Illinois (20
21 ILCS 2105/2105-15).

22 (a-5) In enforcing this Section, the Department or Board,
23 upon a showing of a possible violation, may order a licensee or
24 applicant to submit to a mental or physical examination, or
25 both, at the expense of the Department. The Department or Board
26 may order the examining physician to present testimony

1 concerning his or her examination of the licensee or applicant.
2 No information shall be excluded by reason of any common law or
3 statutory privilege relating to communications between the
4 licensee or applicant and the examining physician. The
5 examining physicians shall be specifically designated by the
6 Board or Department. The licensee or applicant may have, at his
7 or her own expense, another physician of his or her choice
8 present during all aspects of the examination. Failure of a
9 licensee or applicant to submit to any such examination when
10 directed, without reasonable cause as defined by rule, shall be
11 grounds for either the immediate suspension of his or her
12 license or immediate denial of his or her application.

13 If the Secretary immediately suspends the license of a
14 licensee for his or her failure to submit to a mental or
15 physical examination when directed, a hearing must be convened
16 by the Department within 15 days after the suspension and
17 completed without appreciable delay.

18 If the Secretary otherwise suspends a license pursuant to
19 the results of the licensee's mental or physical examination, a
20 hearing must be convened by the Department within 15 days after
21 the suspension and completed without appreciable delay. The
22 Department and Board shall have the authority to review the
23 licensee's record of treatment and counseling regarding the
24 relevant impairment or impairments to the extent permitted by
25 applicable federal statutes and regulations safeguarding the
26 confidentiality of medical records.

1 Any licensee suspended under this subsection (a-5) shall be
2 afforded an opportunity to demonstrate to the Department or
3 Board that he or she can resume practice in compliance with the
4 acceptable and prevailing standards under the provisions of his
5 or her license.

6 (b) The determination by a circuit court that a registrant
7 is subject to involuntary admission or judicial admission as
8 provided in the Mental Health and Developmental Disabilities
9 Code, as now or hereafter amended, operates as an automatic
10 suspension. Such suspension will end only upon a finding by a
11 court that the patient is no longer subject to involuntary
12 admission or judicial admission, the issuance of an order so
13 finding and discharging the patient, and the recommendation of
14 the Board to the Director that the registrant be allowed to
15 resume practice.

16 (Source: P.A. 98-756, eff. 7-16-14.)

17 Section 110. The Illinois Professional Land Surveyor Act of
18 1989 is amended by changing Section 27 as follows:

19 (225 ILCS 330/27) (from Ch. 111, par. 3277)

20 (Section scheduled to be repealed on January 1, 2020)

21 Sec. 27. Grounds for disciplinary action.

22 (a) The Department may refuse to issue or renew a license,
23 or may place on probation or administrative supervision,
24 suspend, or revoke any license, or may reprimand or take any

1 disciplinary or non-disciplinary action as the Department may
2 deem proper, including the imposition of fines not to exceed
3 \$10,000 per violation, upon any person, corporation,
4 partnership, or professional land surveying firm licensed or
5 registered under this Act for any of the following reasons:

6 (1) material misstatement in furnishing information to
7 the Department;

8 (2) violation, including, but not limited to, neglect
9 or intentional disregard, of this Act, or its rules;

10 (3) conviction of, or entry of a plea of guilty or nolo
11 contendere to, any crime that is a felony under the laws of
12 the United States or any state or territory thereof or that
13 is a misdemeanor of which an essential element is
14 dishonesty, or any crime that is directly related to the
15 practice of the profession;

16 (4) making any misrepresentation for the purpose of
17 obtaining a license, or in applying for restoration or
18 renewal, or the practice of any fraud or deceit in taking
19 any examination to qualify for licensure under this Act;

20 (5) purposefully making false statements or signing
21 false statements, certificates, or affidavits to induce
22 payment;

23 (6) proof of carelessness, incompetence, negligence,
24 or misconduct in practicing land surveying;

25 (7) aiding or assisting another person in violating any
26 provision of this Act or its rules;

1 (8) failing to provide information in response to a
2 written request made by the Department within 30 days after
3 receipt of such written request;

4 (9) engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public;

7 (10) inability to practice with reasonable judgment,
8 skill, or safety as a result of habitual or excessive use
9 of, or addiction to, alcohol, narcotics, stimulants or any
10 other chemical agent or drug;

11 (11) discipline by the United States government,
12 another state, District of Columbia, territory, foreign
13 nation or government agency if at least one of the grounds
14 for the discipline is the same or substantially equivalent
15 to those set forth in this Act;

16 (12) directly or indirectly giving to or receiving from
17 any person, firm, corporation, partnership, or association
18 any fee, commission, rebate, or other form of compensation
19 for any professional services not actually or personally
20 rendered;

21 (12.5) issuing a map or plat of survey where the fee
22 for professional services is contingent on a real estate
23 transaction closing;

24 (13) a finding by the Department that an applicant or
25 licensee has failed to pay a fine imposed by the Department
26 or a licensee whose license has been placed on probationary

1 status has violated the terms of probation;

2 (14) practicing on an expired, inactive, suspended, or
3 revoked license;

4 (15) signing, affixing the Professional Land
5 Surveyor's seal or permitting the Professional Land
6 Surveyor's seal to be affixed to any map or plat of survey
7 not prepared by the Professional Land Surveyor or under the
8 Professional Land Surveyor's direct supervision and
9 control;

10 (16) inability to practice the profession with
11 reasonable judgment, skill, or safety as a result of
12 physical illness, including, but not limited to,
13 deterioration through the aging process or loss of motor
14 skill or a mental illness or disability;

15 (17) (blank); or

16 (18) failure to adequately supervise or control land
17 surveying operations being performed by subordinates.

18 (a-5) In enforcing this Section, the Department or Board,
19 upon a showing of a possible violation, may compel a person
20 licensed to practice under this Act, or who has applied for
21 licensure or certification pursuant to this Act, to submit to a
22 mental or physical examination, or both, as required by and at
23 the expense of the Department. The Department or Board may
24 order the examining physician to present testimony concerning
25 the mental or physical examination of the licensee or
26 applicant. No information shall be excluded by reason of any

1 common law or statutory privilege relating to communications
2 between the licensee or applicant and the examining physician.
3 The examining physicians shall be specifically designated by
4 the Board or Department. The individual to be examined may
5 have, at his or her own expense, another physician of his or
6 her choice present during all aspects of the examination.
7 Failure of an individual to submit to a mental or physical
8 examination when directed shall be grounds for the immediate
9 suspension of his or her license until the individual submits
10 to the examination if the Department finds that the refusal to
11 submit to the examination was without reasonable cause as
12 defined by rule.

13 If the Secretary immediately suspends the license of a
14 licensee for his or her failure to submit to a mental or
15 physical examination when directed, a hearing must be convened
16 by the Department within 15 days after the suspension and
17 completed without appreciable delay.

18 If the Secretary otherwise suspends a person's license
19 pursuant to the results of a compelled mental or physical
20 examination, a hearing on that person's license must be
21 convened by the Department within 15 days after the suspension
22 and completed without appreciable delay. The Department and
23 Board shall have the authority to review the subject
24 individual's record of treatment and counseling regarding
25 impairment to the extent permitted by applicable federal
26 statutes and regulations safeguarding the confidentiality of

1 medical records.

2 Any licensee suspended under this subsection (a-5) shall be
3 afforded an opportunity to demonstrate to the Department or
4 Board that he or she can resume practice in compliance with the
5 acceptable and prevailing standards under the provisions of his
6 or her license.

7 (b) The determination by a circuit court that a licensee is
8 subject to involuntary admission or judicial admission as
9 provided in the Mental Health and Developmental Disabilities
10 Code, as now or hereafter amended, operates as an automatic
11 license suspension. Such suspension will end only upon a
12 finding by a court that the patient is no longer subject to
13 involuntary admission or judicial admission and the issuance of
14 an order so finding and discharging the patient and upon the
15 recommendation of the Board to the Director that the licensee
16 be allowed to resume his or her practice.

17 (c) (Blank) ~~The Department shall deny a license or renewal~~
18 ~~authorized by this Act to a person who has defaulted on an~~
19 ~~educational loan or scholarship provided or guaranteed by the~~
20 ~~Illinois Student Assistance Commission or any governmental~~
21 ~~agency of this State in accordance with subdivision (a) (5) of~~
22 ~~Section 2105-15 of the Department of Professional Regulation~~
23 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~
24 ~~2105/2105-15).~~

25 (d) In cases where the Department of Healthcare and Family
26 Services (formerly the Department of Public Aid) has previously

1 determined that a licensee or a potential licensee is more than
2 30 days delinquent in the payment of child support and has
3 subsequently certified the delinquency to the Department, the
4 Department shall refuse to issue or renew or shall revoke or
5 suspend that person's license or shall take other disciplinary
6 action against that person based solely upon the certification
7 of delinquency made by the Department of Healthcare and Family
8 Services in accordance with subdivision (a)(5) of Section
9 2105-15 of the Department of Professional Regulation Law of the
10 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

11 (e) The Department shall refuse to issue or renew or shall
12 revoke or suspend a person's license or shall take other
13 disciplinary action against that person for his or her failure
14 to file a return, to pay the tax, penalty, or interest shown in
15 a filed return, or to pay any final assessment of tax, penalty,
16 or interest as required by any tax Act administered by the
17 Department of Revenue, until such time as the requirements of
18 the tax Act are satisfied in accordance with subsection (g) of
19 Section 2105-15 of the Department of Professional Regulation
20 Law of the Civil Administrative Code of Illinois (20 ILCS
21 2105/2105-15).

22 (Source: P.A. 98-756, eff. 7-16-14.)

23 Section 115. The Illinois Roofing Industry Licensing Act is
24 amended by changing Section 9.1 as follows:

1 (225 ILCS 335/9.1) (from Ch. 111, par. 7509.1)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 9.1. Grounds for disciplinary action. The Department
4 may refuse to issue or to renew, or may revoke, suspend, place
5 on probation, reprimand or take other disciplinary or
6 non-disciplinary action as the Department may deem proper,
7 including fines not to exceed \$10,000 for each violation, with
8 regard to any license for any one or combination of the
9 following causes:

10 (a) violation of this Act or its rules;

11 (b) conviction or plea of guilty or nolo contendere of
12 any crime under the laws of the United States or any state
13 or territory thereof that is (i) a felony or (ii) a
14 misdemeanor, an essential element of which is dishonesty or
15 that is directly related to the practice of the profession;

16 (c) making any misrepresentation for the purpose of
17 obtaining a license;

18 (d) professional incompetence or gross negligence in
19 the practice of roofing contracting, prima facie evidence
20 of which may be a conviction or judgment in any court of
21 competent jurisdiction against an applicant or licensee
22 relating to the practice of roofing contracting or the
23 construction of a roof or repair thereof that results in
24 leakage within 90 days after the completion of such work;

25 (e) (blank);

26 (f) aiding or assisting another person in violating any

1 provision of this Act or rules;

2 (g) failing, within 60 days, to provide information in
3 response to a written request made by the Department which
4 has been sent by certified or registered mail to the
5 licensee's last known address;

6 (h) engaging in dishonorable, unethical, or
7 unprofessional conduct of a character likely to deceive,
8 defraud, or harm the public;

9 (i) habitual or excessive use or addiction to alcohol,
10 narcotics, stimulants or any other chemical agent or drug
11 which results in the inability to practice with reasonable
12 judgment, skill, or safety;

13 (j) discipline by another U.S. jurisdiction or foreign
14 nation, if at least one of the grounds for the discipline
15 is the same or substantially equivalent to those set forth
16 in this Section;

17 (k) directly or indirectly giving to or receiving from
18 any person, firm, corporation, partnership, or association
19 any fee, commission, rebate, or other form of compensation
20 for any professional services not actually or personally
21 rendered;

22 (l) a finding by the Department that the licensee,
23 after having his or her license placed on probationary
24 status has violated the terms of probation;

25 (m) a finding by any court of competent jurisdiction,
26 either within or without this State, of any violation of

1 any law governing the practice of roofing contracting, if
2 the Department determines, after investigation, that such
3 person has not been sufficiently rehabilitated to warrant
4 the public trust;

5 (n) a finding that licensure has been applied for or
6 obtained by fraudulent means;

7 (o) practicing, attempting to practice, or advertising
8 under a name other than the full name as shown on the
9 license or any other legally authorized name;

10 (p) gross and willful overcharging for professional
11 services including filing false statements for collection
12 of fees or monies for which services are not rendered;

13 (q) failure to file a return, or to pay the tax,
14 penalty or interest shown in a filed return, or to pay any
15 final assessment of tax, penalty or interest, as required
16 by any tax Act administered by the Illinois Department of
17 Revenue, until such time as the requirements of any such
18 tax Act are satisfied;

19 (r) (blank) ~~the Department shall deny any license or~~
20 ~~renewal under this Act to any person who has defaulted on~~
21 ~~an educational loan guaranteed by the Illinois State~~
22 ~~Scholarship Commission; however, the Department may issue~~
23 ~~a license or renewal if the person in default has~~
24 ~~established a satisfactory repayment record as determined~~
25 ~~by the Illinois State Scholarship Commission;~~

26 (s) failure to continue to meet the requirements of

1 this Act shall be deemed a violation;

2 (t) physical or mental disability, including
3 deterioration through the aging process or loss of
4 abilities and skills that result in an inability to
5 practice the profession with reasonable judgment, skill,
6 or safety;

7 (u) material misstatement in furnishing information to
8 the Department or to any other State agency;

9 (v) the determination by a court that a licensee is
10 subject to involuntary admission or judicial admission as
11 provided in the Mental Health and Developmental
12 Disabilities Code will result in an automatic suspension of
13 his or her license. The suspension will end upon a finding
14 by a court that the licensee is no longer subject to
15 involuntary admission or judicial admission, the issuance
16 of an order so finding and discharging the patient, and the
17 recommendation of the Board to the Director that the
18 licensee be allowed to resume professional practice;

19 (w) advertising in any manner that is false,
20 misleading, or deceptive;

21 (x) taking undue advantage of a customer, which results
22 in the perpetration of a fraud;

23 (y) performing any act or practice that is a violation
24 of the Consumer Fraud and Deceptive Business Practices Act;

25 (z) engaging in the practice of roofing contracting, as
26 defined in this Act, with a suspended, revoked, or

1 cancelled license;

2 (aa) treating any person differently to the person's
3 detriment because of race, color, creed, gender, age,
4 religion, or national origin;

5 (bb) knowingly making any false statement, oral,
6 written, or otherwise, of a character likely to influence,
7 persuade, or induce others in the course of obtaining or
8 performing roofing contracting services;

9 (cc) violation of any final administrative action of
10 the Secretary;

11 (dd) allowing the use of his or her roofing license by
12 an unlicensed roofing contractor for the purposes of
13 providing roofing or waterproofing services; or

14 (ee) aiding or assisting another person in violating
15 any provision of this Act or its rules, including, but not
16 limited to, Section 9 of this Act.

17 The changes to this Act made by this amendatory Act of 1997
18 apply only to disciplinary actions relating to events occurring
19 after the effective date of this amendatory Act of 1997.

20 (Source: P.A. 95-303, eff. 1-1-08; 96-1324, eff. 7-27-10.)

21 Section 120. The Structural Engineering Practice Act of
22 1989 is amended by changing Section 20 as follows:

23 (225 ILCS 340/20) (from Ch. 111, par. 6620)

24 (Section scheduled to be repealed on January 1, 2020)

1 Sec. 20. Refusal; revocation; suspension.

2 (a) The Department may refuse to issue or renew, or may
3 revoke a license, or may suspend, place on probation, fine, or
4 take any disciplinary or non-disciplinary action as the
5 Department may deem proper, including a fine not to exceed
6 \$10,000 for each violation, with regard to any licensee for any
7 one or combination of the following reasons:

8 (1) Material misstatement in furnishing information to
9 the Department;

10 (2) Negligence, incompetence or misconduct in the
11 practice of structural engineering;

12 (3) Making any misrepresentation for the purpose of
13 obtaining licensure;

14 (4) The affixing of a licensed structural engineer's
15 seal to any plans, specifications or drawings which have
16 not been prepared by or under the immediate personal
17 supervision of that licensed structural engineer or
18 reviewed as provided in this Act;

19 (5) Conviction of, or entry of a plea of guilty or nolo
20 contendere to, any crime that is a felony under the laws of
21 the United States or of any state or territory thereof, or
22 that is a misdemeanor an essential element of which is
23 dishonesty, or any crime that is directly related to the
24 practice of the profession;

25 (6) Making a statement of compliance pursuant to the
26 Environmental Barriers Act, as now or hereafter amended,

1 that a plan for construction or alteration of a public
2 facility or for construction of a multi-story housing unit
3 is in compliance with the Environmental Barriers Act when
4 such plan is not in compliance;

5 (7) Failure to comply with any of the provisions of
6 this Act or its rules;

7 (8) Aiding or assisting another person in violating any
8 provision of this Act or its rules;

9 (9) Engaging in dishonorable, unethical or
10 unprofessional conduct of a character likely to deceive,
11 defraud or harm the public, as defined by rule;

12 (10) Habitual or excessive use or addiction to alcohol,
13 narcotics, stimulants, or any other chemical agent or drug
14 that results in the inability to practice with reasonable
15 judgment, skill, or safety;

16 (11) Failure of an applicant or licensee to pay a fine
17 imposed by the Department or a licensee whose license has
18 been placed on probationary status has violated the terms
19 of probation;

20 (12) Discipline by another state, territory, foreign
21 country, the District of Columbia, the United States
22 government, or any other governmental agency, if at least
23 one of the grounds for discipline is the same or
24 substantially equivalent to those set forth in this
25 Section;

26 (13) Failure to provide information in response to a

1 written request made by the Department within 30 days after
2 the receipt of such written request; or

3 (14) Physical illness, including but not limited to,
4 deterioration through the aging process or loss of motor
5 skill, mental illness, or disability which results in the
6 inability to practice the profession of structural
7 engineering with reasonable judgment, skill, or safety.

8 (a-5) In enforcing this Section, the Department or Board,
9 upon a showing of a possible violation, may order a licensee or
10 applicant to submit to a mental or physical examination, or
11 both, at the expense of the Department. The Department or Board
12 may order the examining physician to present testimony
13 concerning his or her examination of the licensee or applicant.
14 No information shall be excluded by reason of any common law or
15 statutory privilege relating to communications between the
16 licensee or applicant and the examining physician. The
17 examining physicians shall be specifically designated by the
18 Board or Department. The licensee or applicant may have, at his
19 or her own expense, another physician of his or her choice
20 present during all aspects of the examination. Failure of a
21 licensee or applicant to submit to any such examination when
22 directed, without reasonable cause as defined by rule, shall be
23 grounds for either the immediate suspension of his or her
24 license or immediate denial of his or her application.

25 If the Secretary immediately suspends the license of a
26 licensee for his or her failure to submit to a mental or

1 physical examination when directed, a hearing must be convened
2 by the Department within 15 days after the suspension and
3 completed without appreciable delay.

4 If the Secretary otherwise suspends a license pursuant to
5 the results of the licensee's mental or physical examination, a
6 hearing must be convened by the Department within 15 days after
7 the suspension and completed without appreciable delay. The
8 Department and Board shall have the authority to review the
9 licensee's record of treatment and counseling regarding the
10 relevant impairment or impairments to the extent permitted by
11 applicable federal statutes and regulations safeguarding the
12 confidentiality of medical records.

13 Any licensee suspended under this subsection (a-5) shall be
14 afforded an opportunity to demonstrate to the Department or
15 Board that he or she can resume practice in compliance with the
16 acceptable and prevailing standards under the provisions of his
17 or her license.

18 (b) The determination by a circuit court that a licensee is
19 subject to involuntary admission or judicial admission, as
20 provided in the Mental Health and Developmental Disabilities
21 Code, operates as an automatic suspension. Such suspension will
22 end only upon a finding by a court that the patient is no
23 longer subject to involuntary admission or judicial admission,
24 the issuance of an order so finding and discharging the
25 patient, and the recommendation of the Board to the Secretary
26 that the licensee be allowed to resume practice.

1 (c) (Blank) ~~The Department shall deny a license or renewal~~
2 ~~authorized by this Act to a person who has defaulted on an~~
3 ~~educational loan or scholarship provided or guaranteed by the~~
4 ~~Illinois Student Assistance Commission or any governmental~~
5 ~~agency of this State in accordance with subdivision (a) (5) of~~
6 ~~Section 2105-15 of the Department of Professional Regulation~~
7 ~~Law of the Civil Administrative Code of Illinois.~~

8 (d) In cases where the Department of Healthcare and Family
9 Services (formerly the Department of Public Aid) has previously
10 determined that a licensee or a potential licensee is more than
11 30 days delinquent in the payment of child support and has
12 subsequently certified the delinquency to the Department, the
13 Department shall refuse to issue or renew or shall revoke or
14 suspend that person's license or shall take other disciplinary
15 action against that person based solely upon the certification
16 of delinquency made by the Department of Healthcare and Family
17 Services in accordance with subdivision (a) (5) of Section
18 2105-15 of the Department of Professional Regulation Law of the
19 Civil Administrative Code of Illinois.

20 (e) The Department shall deny a license or renewal
21 authorized by this Act to a person who has failed to file a
22 return, to pay the tax, penalty, or interest shown in a filed
23 return, or to pay any final assessment of tax, penalty, or
24 interest as required by any tax Act administered by the
25 Department of Revenue, until such time as the requirements of
26 the tax Act are satisfied in accordance with subsection (g) of

1 Section 2105-15 of the Department of Professional Regulation
2 Law of the Civil Administrative Code of Illinois.

3 (f) Persons who assist the Department as consultants or
4 expert witnesses in the investigation or prosecution of alleged
5 violations of the Act, licensure matters, restoration
6 proceedings, or criminal prosecutions, are not liable for
7 damages in any civil action or proceeding as a result of such
8 assistance, except upon proof of actual malice. The Attorney
9 General of the State of Illinois shall defend such persons in
10 any such action or proceeding.

11 (Source: P.A. 98-756, eff. 7-16-14.)

12 Section 125. The Auction License Act is amended by changing
13 Section 20-20 as follows:

14 (225 ILCS 407/20-20)

15 (Section scheduled to be repealed on January 1, 2020)

16 Sec. 20-20. Termination without hearing for failure to pay
17 taxes or ~~7~~ child support, ~~or a student loan~~. The Department may
18 terminate or otherwise discipline any license issued under this
19 Act without hearing if the appropriate administering agency
20 provides adequate information and proof that the licensee has:

21 (1) failed to file a return, to pay the tax, penalty,
22 or interest shown in a filed return, or to pay any final
23 assessment of tax, penalty, or interest, as required by any
24 tax act administered by the Illinois Department of Revenue

1 until the requirements of the tax act are satisfied;

2 (2) failed to pay any court ordered child support as
3 determined by a court order or by referral from the
4 Department of Healthcare and Family Services (formerly
5 Illinois Department of Public Aid); or

6 (3) (blank) ~~failed to repay any student loan or~~
7 ~~assistance as determined by the Illinois Student~~
8 ~~Assistance Commission.~~

9 If a license is terminated or otherwise disciplined
10 pursuant to this Section, the licensee may request a hearing as
11 provided by this Act within 30 days of notice of termination or
12 discipline.

13 (Source: P.A. 95-331, eff. 8-21-07; 95-572, eff. 6-1-08.)

14 Section 130. The Barber, Cosmetology, Esthetics, Hair
15 Braiding, and Nail Technology Act of 1985 is amended by
16 changing Section 4-7 as follows:

17 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

18 (Section scheduled to be repealed on January 1, 2016)

19 Sec. 4-7. Refusal, suspension and revocation of licenses;
20 causes; disciplinary action.

21 (1) The Department may refuse to issue or renew, and may
22 suspend, revoke, place on probation, reprimand or take any
23 other disciplinary or non-disciplinary action as the
24 Department may deem proper, including civil penalties not to

1 exceed \$500 for each violation, with regard to any license for
2 any one, or any combination, of the following causes:

3 a. Conviction of any crime under the laws of the United
4 States or any state or territory thereof that is (i) a
5 felony, (ii) a misdemeanor, an essential element of which
6 is dishonesty, or (iii) a crime which is related to the
7 practice of the profession.

8 b. Conviction of any of the violations listed in
9 Section 4-20.

10 c. Material misstatement in furnishing information to
11 the Department.

12 d. Making any misrepresentation for the purpose of
13 obtaining a license or violating any provision of this Act
14 or its rules.

15 e. Aiding or assisting another person in violating any
16 provision of this Act or its rules.

17 f. Failing, within 60 days, to provide information in
18 response to a written request made by the Department.

19 g. Discipline by another state, territory, or country
20 if at least one of the grounds for the discipline is the
21 same as or substantially equivalent to those set forth in
22 this Act.

23 h. Practice in the barber, nail technology, esthetics,
24 hair braiding, or cosmetology profession, or an attempt to
25 practice in those professions, by fraudulent
26 misrepresentation.

- 1 i. Gross malpractice or gross incompetency.
- 2 j. Continued practice by a person knowingly having an
3 infectious or contagious disease.
- 4 k. Solicitation of professional services by using
5 false or misleading advertising.
- 6 l. A finding by the Department that the licensee, after
7 having his or her license placed on probationary status,
8 has violated the terms of probation.
- 9 m. Directly or indirectly giving to or receiving from
10 any person, firm, corporation, partnership or association
11 any fee, commission, rebate, or other form of compensation
12 for any professional services not actually or personally
13 rendered.
- 14 n. Violating any of the provisions of this Act or rules
15 adopted pursuant to this Act.
- 16 o. Willfully making or filing false records or reports
17 relating to a licensee's practice, including but not
18 limited to, false records filed with State agencies or
19 departments.
- 20 p. Habitual or excessive use addiction to alcohol,
21 narcotics, stimulants, or any other chemical agent or drug
22 that results in the inability to practice with reasonable
23 judgment, skill or safety.
- 24 q. Engaging in dishonorable, unethical or
25 unprofessional conduct of a character likely to deceive,
26 defraud, or harm the public as may be defined by rules of

1 the Department, or violating the rules of professional
2 conduct which may be adopted by the Department.

3 r. Permitting any person to use for any unlawful or
4 fraudulent purpose one's diploma or license or certificate
5 of registration as a cosmetologist, nail technician,
6 esthetician, hair braider, or barber or cosmetology, nail
7 technology, esthetics, hair braiding, or barber teacher or
8 salon or shop or cosmetology clinic teacher.

9 s. Being named as a perpetrator in an indicated report
10 by the Department of Children and Family Services under the
11 Abused and Neglected Child Reporting Act and upon proof by
12 clear and convincing evidence that the licensee has caused
13 a child to be an abused child or neglected child as defined
14 in the Abused and Neglected Child Reporting Act.

15 (2) In rendering an order, the Secretary shall take into
16 consideration the facts and circumstances involving the type of
17 acts or omissions in paragraph (1) of this Section including,
18 but not limited to:

19 (a) the extent to which public confidence in the
20 cosmetology, nail technology, esthetics, hair braiding, or
21 barbering profession was, might have been, or may be,
22 injured;

23 (b) the degree of trust and dependence among the
24 involved parties;

25 (c) the character and degree of harm which did result
26 or might have resulted;

1 (d) the intent or mental state of the licensee at the
2 time of the acts or omissions.

3 (3) The Department shall reissue the license or
4 registration upon certification by the Board that the
5 disciplined licensee or registrant has complied with all of the
6 terms and conditions set forth in the final order or has been
7 sufficiently rehabilitated to warrant the public trust.

8 (4) The Department shall refuse to issue or renew or
9 suspend without hearing the license or certificate of
10 registration of any person who fails to file a return, or to
11 pay the tax, penalty or interest shown in a filed return, or to
12 pay any final assessment of tax, penalty or interest, as
13 required by any tax Act administered by the Illinois Department
14 of Revenue, until such time as the requirements of any such tax
15 Act are satisfied as determined by the Department of Revenue.

16 (5) (Blank) ~~The Department shall deny without hearing any~~
17 ~~application for a license or renewal of a license under this~~
18 ~~Act by a person who has defaulted on an educational loan~~
19 ~~guaranteed by the Illinois Student Assistance Commission;~~
20 ~~however, the Department may issue or renew a license if the~~
21 ~~person in default has established a satisfactory repayment~~
22 ~~record as determined by the Illinois Student Assistance~~
23 ~~Commission.~~

24 (6) All fines imposed under this Section shall be paid
25 within 60 days after the effective date of the order imposing
26 the fine or in accordance with the terms set forth in the order

1 imposing the fine.

2 (Source: P.A. 98-911, eff. 1-1-15.)

3 Section 135. The Electrologist Licensing Act is amended by
4 changing Section 75 as follows:

5 (225 ILCS 412/75)

6 (Section scheduled to be repealed on January 1, 2024)

7 Sec. 75. Grounds for discipline.

8 (a) The Department may refuse to issue or renew and may
9 revoke or suspend a license under this Act, and may place on
10 probation, reprimand, or take other disciplinary or
11 non-disciplinary action with regard to any licensee under this
12 Act, as the Department may consider appropriate, including
13 imposing fines not to exceed \$10,000 for each violation and
14 assess costs as provided for under Section 95 of this Act, for
15 one or any combination of the following causes:

16 (1) Material misstatement in furnishing information to
17 the Department.

18 (2) Violation of this Act or rules adopted under this
19 Act.

20 (3) Conviction by plea of guilty or nolo contendere,
21 finding of guilt, jury verdict, or entry of judgment or
22 sentencing, including, but not limited to, convictions,
23 preceding sentences of supervision, conditional discharge,
24 or first offender probation, under the laws of any

1 jurisdiction of the United States that is (i) a felony or
2 (ii) a misdemeanor, an essential element of which is
3 dishonesty, or that is directly related to the practice of
4 electrology.

5 (4) Fraud or misrepresentation in applying for or
6 procuring a license under this Act, or in connection with
7 applying for renewal of a license under this Act.

8 (5) Aiding or assisting another person in violating any
9 provision of this Act or its rules.

10 (6) Failing to provide information within 60 days in
11 response to a written request made by the Department.

12 (7) Engaging in dishonorable, unethical, or
13 unprofessional conduct of a character likely to deceive,
14 defraud, or harm the public.

15 (8) Habitual or excessive use or abuse of drugs defined
16 in law as controlled substances, alcohol, or any other
17 substance that results in an electrologist's inability to
18 practice with reasonable judgment, skill, or safety.

19 (9) Discipline by another governmental agency, unit of
20 government, U.S. jurisdiction, or foreign nation if at
21 least one of the grounds for discipline is the same as or
22 substantially equivalent to any of those set forth in this
23 Act.

24 (10) Directly or indirectly giving to or receiving from
25 any person, firm, corporation, partnership, or association
26 any fee, commission, rebate, or other form of compensation

1 for any professional services not actually or personally
2 rendered. Nothing in this paragraph (10) affects any bona
3 fide independent contractor or employment arrangements
4 among health care professionals, health facilities, health
5 care providers, or other entities, except as otherwise
6 prohibited by law. Any employment arrangements with health
7 care providers may include provisions for compensation,
8 health insurance, pension, or other employment benefits
9 for the provision of services within the scope of the
10 licensee's practice under this Act. Nothing in this
11 paragraph (10) shall be construed to require an employment
12 arrangement to receive professional fees for services
13 rendered.

14 (11) A finding by the Department that the licensee,
15 after having his or her license placed on probationary
16 status, has violated the terms of probation.

17 (12) Abandonment of a patient.

18 (13) Willfully making or filing false records or
19 reports in the licensee's practice, including, but not
20 limited to, false records filed with State agencies or
21 departments.

22 (14) Mental or physical illness or disability,
23 including, but not limited to, deterioration through the
24 aging process or loss of motor skill that results in the
25 inability to practice the profession with reasonable
26 judgment, skill, or safety.

1 (15) Negligence in his or her practice under this Act.

2 (16) Use of fraud, deception, or any unlawful means in
3 applying for and securing a license as an electrologist.

4 (17) Immoral conduct in the commission of any act, such
5 as sexual abuse, sexual misconduct, or sexual
6 exploitation, related to the licensee's practice.

7 (18) Failure to comply with standards of sterilization
8 and sanitation as defined in the rules of the Department.

9 (19) Charging for professional services not rendered,
10 including filing false statements for the collection of
11 fees for which services are not rendered.

12 (20) Allowing one's license under this Act to be used
13 by an unlicensed person in violation of this Act.

14 (b) The Department may refuse to issue or renew or may
15 suspend without hearing the license of any person who fails to
16 file a return, to pay the tax, penalty or interest shown in a
17 filed return, or to pay any final assessment of the tax,
18 penalty, or interest as required by any tax Act administered by
19 the Illinois Department of Revenue until the requirements of
20 the tax Act are satisfied in accordance with subsection (g) of
21 Section 2105-15 of the Department of Professional Regulation
22 Law of the Civil Administrative Code of Illinois.

23 (c) The determination by a circuit court that a licensee is
24 subject to involuntary admission or judicial admission as
25 provided in the Mental Health and Developmental Disabilities
26 Code operates as an automatic suspension. The suspension will

1 end only upon a finding by a court that the patient is no
2 longer subject to involuntary admission or judicial admission,
3 the issuance of an order so finding and discharging the
4 patient, and the filing of a petition for restoration
5 demonstrating fitness to practice.

6 (d) In enforcing this Section, the Department, upon a
7 showing of a possible violation, may compel any individual who
8 is licensed to practice under this Act or any individual who
9 has applied for licensure to submit to a mental or physical
10 examination and evaluation, or both, that may include a
11 substance abuse or sexual offender evaluation, at the expense
12 of the Department. The Department shall specifically designate
13 the examining physician licensed to practice medicine in all of
14 its branches or, if applicable, the multidisciplinary team
15 involved in providing the mental or physical examination and
16 evaluation, or both. The multidisciplinary team shall be led by
17 a physician licensed to practice medicine in all of its
18 branches and may consist of one or more or a combination of
19 physicians licensed to practice medicine in all of its
20 branches, licensed chiropractic physicians, licensed clinical
21 psychologists, licensed clinical social workers, licensed
22 clinical professional counselors, and other professional and
23 administrative staff. Any examining physician or member of the
24 multidisciplinary team may require any person ordered to submit
25 to an examination and evaluation pursuant to this Section to
26 submit to any additional supplemental testing deemed necessary

1 to complete any examination or evaluation process, including,
2 but not limited to, blood testing, urinalysis, psychological
3 testing, or neuropsychological testing.

4 The Department may order the examining physician or any
5 member of the multidisciplinary team to provide to the
6 Department any and all records, including business records,
7 that relate to the examination and evaluation, including any
8 supplemental testing performed. The Department may order the
9 examining physician or any member of the multidisciplinary team
10 to present testimony concerning this examination and
11 evaluation of the licensee, permit holder, or applicant,
12 including testimony concerning any supplemental testing or
13 documents relating to the examination and evaluation. No
14 information, report, record, or other documents in any way
15 related to the examination and evaluation shall be excluded by
16 reason of any common law or statutory privilege relating to
17 communication between the licensee or applicant and the
18 examining physician or any member of the multidisciplinary
19 team. No authorization is necessary from the licensee or
20 applicant ordered to undergo an evaluation and examination for
21 the examining physician or any member of the multidisciplinary
22 team to provide information, reports, records, or other
23 documents or to provide any testimony regarding the examination
24 and evaluation. The individual to be examined may have, at his
25 or her own expense, another physician of his or her choice
26 present during all aspects of the examination.

1 Failure of any individual to submit to mental or physical
2 examination and evaluation, or both, when directed, shall
3 result in an automatic suspension without hearing, until such
4 time as the individual submits to the examination. If the
5 Department finds a licensee unable to practice because of the
6 reasons set forth in this Section, the Department shall require
7 the licensee to submit to care, counseling, or treatment by
8 physicians approved or designated by the Department as a
9 condition for continued, reinstated, or renewed licensure to
10 practice.

11 When the Secretary immediately suspends a license under
12 this Section, a hearing upon the person's license must be
13 convened by the Department within 15 days after the suspension
14 and completed without appreciable delay. The Department shall
15 have the authority to review the licensee's record of treatment
16 and counseling regarding the impairment to the extent permitted
17 by applicable federal statutes and regulations safeguarding
18 the confidentiality of medical records.

19 Individuals licensed under this Act affected under this
20 Section shall be afforded an opportunity to demonstrate to the
21 Department that they can resume practice in compliance with
22 acceptable and prevailing standards under the provisions of
23 their license.

24 (e) (Blank) ~~The Department shall deny a license or renewal~~
25 ~~authorized by this Act to a person who has defaulted on an~~
26 ~~educational loan or scholarship provided or guaranteed by the~~

~~Illinois Student Assistance Commission or any governmental agency of this State in accordance with item (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.~~

(f) In cases where the Department of Healthcare and Family Services has previously determined a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with item (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(g) All fines or costs imposed under this Section shall be paid within 60 days after the effective date of the order imposing the fine or costs or in accordance with the terms set forth in the order imposing the fine.

(Source: P.A. 98-363, eff. 8-16-13.)

Section 140. The Illinois Certified Shorthand Reporters Act of 1984 is amended by changing Section 23 as follows:

(225 ILCS 415/23) (from Ch. 111, par. 6223)

1 (Section scheduled to be repealed on January 1, 2024)

2 Sec. 23. Grounds for disciplinary action.

3 (a) The Department may refuse to issue or renew, or may
4 revoke, suspend, place on probation, reprimand or take other
5 disciplinary or non-disciplinary action as the Department may
6 deem appropriate, including imposing fines not to exceed
7 \$10,000 for each violation and the assessment of costs as
8 provided for in Section 23.3 of this Act, with regard to any
9 license for any one or combination of the following:

10 (1) Material misstatement in furnishing information to
11 the Department;

12 (2) Violations of this Act, or of the rules promulgated
13 thereunder;

14 (3) Conviction by plea of guilty or nolo contendere,
15 finding of guilt, jury verdict, or entry of judgment or by
16 sentencing of any crime, including, but not limited to,
17 convictions, preceding sentences of supervision,
18 conditional discharge, or first offender probation under
19 the laws of any jurisdiction of the United States: (i) that
20 is a felony or (ii) that is a misdemeanor, an essential
21 element of which is dishonesty, or that is directly related
22 to the practice of the profession;

23 (4) Fraud or any misrepresentation in applying for or
24 procuring a license under this Act or in connection with
25 applying for renewal of a license under this Act;

26 (5) Professional incompetence;

1 (6) Aiding or assisting another person, firm,
2 partnership or corporation in violating any provision of
3 this Act or rules;

4 (7) Failing, within 60 days, to provide information in
5 response to a written request made by the Department;

6 (8) Engaging in dishonorable, unethical or
7 unprofessional conduct of a character likely to deceive,
8 defraud or harm the public;

9 (9) Habitual or excessive use or abuse of drugs defined
10 in law as controlled substances, alcohol, or any other
11 substances that results in the inability to practice with
12 reasonable judgment, skill, or safety;

13 (10) Discipline by another state, unit of government,
14 government agency, the District of Columbia, a territory,
15 or foreign nation, if at least one of the grounds for the
16 discipline is the same or substantially equivalent to those
17 set forth herein;

18 (11) Charging for professional services not rendered,
19 including filing false statements for the collection of
20 fees for which services were not rendered, or giving,
21 directly or indirectly, any gift or anything of value to
22 attorneys or their staff or any other persons or entities
23 associated with any litigation, that exceeds \$100 total per
24 year; for the purposes of this Section, pro bono services,
25 as defined by State law, are permissible in any amount;

26 (12) A finding by the Board that the certificate

1 holder, after having his certificate placed on
2 probationary status, has violated the terms of probation;

3 (13) Willfully making or filing false records or
4 reports in the practice of shorthand reporting, including
5 but not limited to false records filed with State agencies
6 or departments;

7 (14) Physical illness, including but not limited to,
8 deterioration through the aging process, or loss of motor
9 skill which results in the inability to practice under this
10 Act with reasonable judgment, skill or safety;

11 (15) Solicitation of professional services other than
12 by permitted advertising;

13 (16) Willful failure to take full and accurate
14 stenographic notes of any proceeding;

15 (17) Willful alteration of any stenographic notes
16 taken at any proceeding;

17 (18) Willful failure to accurately transcribe verbatim
18 any stenographic notes taken at any proceeding;

19 (19) Willful alteration of a transcript of
20 stenographic notes taken at any proceeding;

21 (20) Affixing one's signature to any transcript of his
22 stenographic notes or certifying to its correctness unless
23 the transcript has been prepared by him or under his
24 immediate supervision;

25 (21) Willful failure to systematically retain
26 stenographic notes or transcripts on paper or any

1 electronic media for 10 years from the date that the notes
2 or transcripts were taken;

3 (22) Failure to deliver transcripts in a timely manner
4 or in accordance with contractual agreements;

5 (23) Establishing contingent fees as a basis of
6 compensation;

7 (24) Mental illness or disability that results in the
8 inability to practice under this Act with reasonable
9 judgment, skill, or safety;

10 (25) Practicing under a false or assumed name, except
11 as provided by law;

12 (26) Cheating on or attempting to subvert the licensing
13 examination administered under this Act;

14 (27) Allowing one's license under this Act to be used
15 by an unlicensed person in violation of this Act.

16 All fines imposed under this Section shall be paid within
17 60 days after the effective date of the order imposing the fine
18 or in accordance with the terms set forth in the order imposing
19 the fine.

20 (b) The determination by a circuit court that a certificate
21 holder is subject to involuntary admission or judicial
22 admission as provided in the Mental Health and Developmental
23 Disabilities Code, operates as an automatic suspension. Such
24 suspension will end only upon a finding by a court that the
25 patient is no longer subject to involuntary admission or
26 judicial admission, an order by the court so finding and

1 discharging the patient. In any case where a license is
2 suspended under this Section, the licensee may file a petition
3 for restoration and shall include evidence acceptable to the
4 Department that the licensee can resume practice in compliance
5 with acceptable and prevailing standards of the profession.

6 (c) In cases where the Department of Healthcare and Family
7 Services has previously determined a licensee or a potential
8 licensee is more than 30 days delinquent in the payment of
9 child support and has subsequently certified the delinquency to
10 the Department, the Department may refuse to issue or renew or
11 may revoke or suspend that person's license or may take other
12 disciplinary action against that person based solely upon the
13 certification of delinquency made by the Department of
14 Healthcare and Family Services in accordance with item (5) of
15 subsection (a) of Section 2105-15 of the Civil Administrative
16 Code of Illinois.

17 (d) In enforcing this Section, the Department, upon a
18 showing of a possible violation, may compel any individual who
19 is certified under this Act or any individual who has applied
20 for certification under this Act to submit to a mental or
21 physical examination and evaluation, or both, which may include
22 a substance abuse or sexual offender evaluation, at the expense
23 of the Department. The Department shall specifically designate
24 the examining physician licensed to practice medicine in all of
25 its branches or, if applicable, the multidisciplinary team
26 involved in providing the mental or physical examination and

1 evaluation, or both. The multidisciplinary team shall be led by
2 a physician licensed to practice medicine in all of its
3 branches and may consist of one or more or a combination of
4 physicians licensed to practice medicine in all of its
5 branches, licensed chiropractic physicians, licensed clinical
6 psychologists, licensed clinical social workers, licensed
7 clinical professional counselors, and other professional and
8 administrative staff. Any examining physician or member of the
9 multidisciplinary team may require any person ordered to submit
10 to an examination and evaluation pursuant to this Section to
11 submit to any additional supplemental testing deemed necessary
12 to complete any examination or evaluation process, including,
13 but not limited to, blood testing, urinalysis, psychological
14 testing, or neuropsychological testing.

15 The Department may order the examining physician or any
16 member of the multidisciplinary team to provide to the
17 Department any and all records, including business records,
18 that relate to the examination and evaluation, including any
19 supplemental testing performed. The Department may order the
20 examining physician or any member of the multidisciplinary team
21 to present testimony concerning this examination and
22 evaluation of the certified shorthand reporter or applicant,
23 including testimony concerning any supplemental testing or
24 documents relating to the examination and evaluation. No
25 information, report, record, or other documents in any way
26 related to the examination and evaluation shall be excluded by

1 reason of any common law or statutory privilege relating to
2 communication between the licensee or applicant and the
3 examining physician or any member of the multidisciplinary
4 team. No authorization is necessary from the certified
5 shorthand reporter or applicant ordered to undergo an
6 evaluation and examination for the examining physician or any
7 member of the multidisciplinary team to provide information,
8 reports, records, or other documents or to provide any
9 testimony regarding the examination and evaluation. The
10 individual to be examined may have, at his or her own expense,
11 another physician of his or her choice present during all
12 aspects of the examination.

13 Failure of any individual to submit to mental or physical
14 examination and evaluation, or both, when directed, shall
15 result in an automatic suspension, without hearing, until such
16 time as the individual submits to the examination. If the
17 Department finds a certified shorthand reporter unable to
18 practice because of the reasons set forth in this Section, the
19 Department shall require the certified shorthand reporter to
20 submit to care, counseling, or treatment by physicians approved
21 or designated by the Department, as a condition for continued,
22 reinstated, or renewed certification.

23 When the Secretary immediately suspends a certificate
24 under this Section, a hearing upon the person's certificate
25 must be convened by the Department within 15 days after the
26 suspension and completed without appreciable delay. The

1 Department shall have the authority to review the certified
2 shorthand reporter's record of treatment and counseling
3 regarding the impairment, to the extent permitted by applicable
4 federal statutes and regulations safeguarding the
5 confidentiality of medical records.

6 Individuals certified under this Act, affected under this
7 Section, shall be afforded an opportunity to demonstrate to the
8 Department that they can resume practice in compliance with
9 acceptable and prevailing standards under the provisions of
10 their certification.

11 (e) (Blank) ~~The Department shall deny a license or renewal~~
12 ~~authorized by this Act to a person who has defaulted on an~~
13 ~~educational loan or scholarship provided or guaranteed by the~~
14 ~~Illinois Student Assistance Commission or any governmental~~
15 ~~agency of this State in accordance with item (5) of subsection~~
16 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~
17 ~~Illinois.~~

18 (f) The Department may refuse to issue or may suspend
19 without hearing, as provided for in the Code of Civil
20 Procedure, the license of any person who fails to file a
21 return, to pay the tax, penalty, or interest shown in a filed
22 return, or to pay any final assessment of tax, penalty, or
23 interest as required by any tax Act administered by the
24 Illinois Department of Revenue, until such time as the
25 requirements of any such tax Act are satisfied in accordance
26 with subsection (g) of Section 2105-15 of the Civil

1 Administrative Code of Illinois.

2 (Source: P.A. 98-445, eff. 12-31-13; 98-756, eff. 7-16-14.)

3 Section 145. The Collection Agency Act is amended by
4 changing Section 9 as follows:

5 (225 ILCS 425/9) (from Ch. 111, par. 2012)

6 (Section scheduled to be repealed on January 1, 2016)

7 Sec. 9. (a) The Department may refuse to issue or renew, or
8 may revoke, suspend, place on probation, reprimand or take
9 other disciplinary action as the Department may deem proper,
10 including fines not to exceed \$5,000 for a first violation and
11 not to exceed \$10,000 for a second or subsequent violation, for
12 any one or any combination of the following causes:

13 (1) Violations of this Act or of the rules promulgated
14 hereunder.

15 (2) Conviction of the collection agency or the
16 principals of the agency of any crime under the laws of any
17 U.S. jurisdiction which is a felony, a misdemeanor an
18 essential element of which is dishonesty, or of any crime
19 which directly relates to the practice of the profession.

20 (3) Making any misrepresentation for the purpose of
21 obtaining a license or certificate.

22 (4) Habitual or excessive use or addiction to alcohol,
23 narcotics, stimulants or any other chemical agent or drug
24 which results in the inability to practice with reasonable

1 judgment, skill, or safety by any of the principals of a
2 collection agency.

3 (5) Discipline by another U.S. jurisdiction or foreign
4 nation, if at least one of the grounds for the discipline
5 is the same or substantially equivalent to those set forth
6 in this Act.

7 (6) A finding by the Department that the licensee,
8 after having his license placed on probationary status, has
9 violated the terms of probation.

10 (7) Practicing or attempting to practice under a name
11 other than the name as shown on his or her license or any
12 other legally authorized name.

13 (8) A finding by the Federal Trade Commission that a
14 licensee violated the Federal Fair Debt and Collection Act
15 or its rules.

16 (9) Failure to file a return, or to pay the tax,
17 penalty or interest shown in a filed return, or to pay any
18 final assessment of tax, penalty or interest, as required
19 by any tax Act administered by the Illinois Department of
20 Revenue until such time as the requirements of any such tax
21 Act are satisfied.

22 (10) Using or threatening to use force or violence to
23 cause physical harm to a debtor, his family or his
24 property.

25 (11) Threatening to instigate an arrest or criminal
26 prosecution where no basis for a criminal complaint

1 lawfully exists.

2 (12) Threatening the seizure, attachment or sale of a
3 debtor's property where such action can only be taken
4 pursuant to court order without disclosing that prior court
5 proceedings are required.

6 (13) Disclosing or threatening to disclose information
7 adversely affecting a debtor's reputation for credit
8 worthiness with knowledge the information is false.

9 (14) Initiating or threatening to initiate
10 communication with a debtor's employer unless there has
11 been a default of the payment of the obligation for at
12 least 30 days and at least 5 days prior written notice, to
13 the last known address of the debtor, of the intention to
14 communicate with the employer has been given to the
15 employee, except as expressly permitted by law or court
16 order.

17 (15) Communicating with the debtor or any member of the
18 debtor's family at such a time of day or night and with
19 such frequency as to constitute harassment of the debtor or
20 any member of the debtor's family. For purposes of this
21 Section the following conduct shall constitute harassment:

22 (A) Communicating with the debtor or any member of
23 his or her family in connection with the collection of
24 any debt without the prior consent of the debtor given
25 directly to the debt collector, or the express
26 permission of a court of competent jurisdiction, at any

1 unusual time or place or a time or place known or which
2 should be known to be inconvenient to the debtor. In
3 the absence of knowledge of circumstances to the
4 contrary, a debt collector shall assume that the
5 convenient time for communicating with a consumer is
6 after 8 o'clock a.m. and before 9 o'clock p.m. local
7 time at the debtor's location.

8 (B) The threat of publication or publication of a
9 list of consumers who allegedly refuse to pay debts,
10 except to a consumer reporting agency.

11 (C) The threat of advertisement or advertisement
12 for sale of any debt to coerce payment of the debt.

13 (D) Causing a telephone to ring or engaging any
14 person in telephone conversation repeatedly or
15 continuously with intent to annoy, abuse, or harass any
16 person at the called number.

17 (16) Using profane, obscene or abusive language in
18 communicating with a debtor, his or her family or others.

19 (17) Disclosing or threatening to disclose information
20 relating to a debtor's indebtedness to any other person
21 except where such other person has a legitimate business
22 need for the information or except where such disclosure is
23 regulated by law.

24 (18) Disclosing or threatening to disclose information
25 concerning the existence of a debt which the debt collector
26 knows to be reasonably disputed by the debtor without

1 disclosing the fact that the debtor disputes the debt.

2 (19) Engaging in any conduct which the Director finds
3 was intended to cause and did cause mental or physical
4 illness to the debtor or his or her family.

5 (20) Attempting or threatening to enforce a right or
6 remedy with knowledge or reason to know that the right or
7 remedy does not exist.

8 (21) Failing to disclose to the debtor or his or her
9 family the corporate, partnership or proprietary name, or
10 other trade or business name, under which the debt
11 collector is engaging in debt collections and which he or
12 she is legally authorized to use.

13 (22) Using any form of communication which simulates
14 legal or judicial process or which gives the appearance of
15 being authorized, issued or approved by a governmental
16 agency or official or by an attorney at law when it is not.

17 (23) Using any badge, uniform, or other indicia of any
18 governmental agency or official except as authorized by
19 law.

20 (24) Conducting business under any name or in any
21 manner which suggests or implies that a debt collector is
22 bonded if such collector is or is a branch of or is
23 affiliated with any governmental agency or court if such
24 collector is not.

25 (25) Failing to disclose, at the time of making any
26 demand for payment, the name of the person to whom the

1 claim is owed and at the request of the debtor, the address
2 where payment is to be made and the address of the person
3 to whom the claim is owed.

4 (26) Misrepresenting the amount of the claim or debt
5 alleged to be owed.

6 (27) Representing that an existing debt may be
7 increased by the addition of attorney's fees,
8 investigation fees or any other fees or charges when such
9 fees or charges may not legally be added to the existing
10 debt.

11 (28) Representing that the debt collector is an
12 attorney at law or an agent for an attorney if he is not.

13 (29) Collecting or attempting to collect any interest
14 or other charge or fee in excess of the actual debt or
15 claim unless such interest or other charge or fee is
16 expressly authorized by the agreement creating the debt or
17 claim unless expressly authorized by law or unless in a
18 commercial transaction such interest or other charge or fee
19 is expressly authorized in a subsequent agreement. If a
20 contingency or hourly fee arrangement (i) is established
21 under an agreement between a collection agency and a
22 creditor to collect a debt and (ii) is paid by a debtor
23 pursuant to a contract between the debtor and the creditor,
24 then that fee arrangement does not violate this Section
25 unless the fee is unreasonable. The Department shall
26 determine what constitutes a reasonable collection fee.

1 (30) Communicating or threatening to communicate with
2 a debtor when the debt collector is informed in writing by
3 an attorney that the attorney represents the debtor
4 concerning the claim, unless authorized by the attorney. If
5 the attorney fails to respond within a reasonable period of
6 time, the collector may communicate with the debtor. The
7 collector may communicate with the debtor when the attorney
8 gives his consent.

9 (31) Engaging in dishonorable, unethical, or
10 unprofessional conduct of a character likely to deceive,
11 defraud, or harm the public.

12 ~~(b) The Department shall deny any license or renewal~~
13 ~~authorized by this Act to any person who has defaulted on an~~
14 ~~educational loan guaranteed by the Illinois State Scholarship~~
15 ~~Commission; however, the Department may issue a license or~~
16 ~~renewal if the person in default has established a satisfactory~~
17 ~~repayment record as determined by the Illinois State~~
18 ~~Scholarship Commission.~~ No debt collector while collecting or
19 attempting to collect a debt shall engage in any of the Acts
20 specified in this Section, each of which shall be unlawful
21 practice.

22 (Source: P.A. 94-414, eff. 12-31-05.)

23 Section 150. The Community Association Manager Licensing
24 and Disciplinary Act is amended by changing Section 85 as
25 follows:

1 (225 ILCS 427/85)

2 (Section scheduled to be repealed on January 1, 2020)

3 Sec. 85. Grounds for discipline; refusal, revocation, or
4 suspension.

5 (a) The Department may refuse to issue or renew a license,
6 or may place on probation, reprimand, suspend, or revoke any
7 license, or take any other disciplinary or non-disciplinary
8 action as the Department may deem proper and impose a fine not
9 to exceed \$10,000 for each violation upon any licensee or
10 applicant under this Act or any person or entity who holds
11 himself, herself, or itself out as an applicant or licensee for
12 any one or combination of the following causes:

13 (1) Material misstatement in furnishing information to
14 the Department.

15 (2) Violations of this Act or its rules.

16 (3) Conviction of or entry of a plea of guilty or plea
17 of nolo contendere to a felony or a misdemeanor under the
18 laws of the United States, any state, or any other
19 jurisdiction or entry of an administrative sanction by a
20 government agency in this State or any other jurisdiction.
21 Action taken under this paragraph (3) for a misdemeanor or
22 an administrative sanction is limited to a misdemeanor or
23 administrative sanction that has as an essential element
24 dishonesty or fraud, that involves larceny, embezzlement,
25 or obtaining money, property, or credit by false pretenses

1 or by means of a confidence game, or that is directly
2 related to the practice of the profession.

3 (4) Making any misrepresentation for the purpose of
4 obtaining a license or violating any provision of this Act
5 or its rules.

6 (5) Professional incompetence.

7 (6) Gross negligence.

8 (7) Aiding or assisting another person in violating any
9 provision of this Act or its rules.

10 (8) Failing, within 30 days, to provide information in
11 response to a request made by the Department.

12 (9) Engaging in dishonorable, unethical, or
13 unprofessional conduct of a character likely to deceive,
14 defraud or harm the public as defined by the rules of the
15 Department, or violating the rules of professional conduct
16 adopted by the Department.

17 (10) Habitual or excessive use or addiction to alcohol,
18 narcotics, stimulants, or any other chemical agent or drug
19 that results in the inability to practice with reasonable
20 judgment, skill, or safety.

21 (11) Having been disciplined by another state, the
22 District of Columbia, a territory, a foreign nation, or a
23 governmental agency authorized to impose discipline if at
24 least one of the grounds for the discipline is the same or
25 substantially equivalent of one of the grounds for which a
26 licensee may be disciplined under this Act. A certified

1 copy of the record of the action by the other state or
2 jurisdiction shall be prima facie evidence thereof.

3 (12) Directly or indirectly giving to or receiving from
4 any person, firm, corporation, partnership or association
5 any fee, commission, rebate, or other form of compensation
6 for any professional services not actually or personally
7 rendered.

8 (13) A finding by the Department that the licensee,
9 after having his, her, or its license placed on
10 probationary status, has violated the terms of probation.

11 (14) Willfully making or filing false records or
12 reports relating to a licensee's practice, including but
13 not limited to false records filed with any State or
14 federal agencies or departments.

15 (15) Being named as a perpetrator in an indicated
16 report by the Department of Children and Family Services
17 under the Abused and Neglected Child Reporting Act and upon
18 proof by clear and convincing evidence that the licensee
19 has caused a child to be an abused child or neglected child
20 as defined in the Abused and Neglected Child Reporting Act.

21 (16) Physical illness or mental illness or impairment,
22 including, but not limited to, deterioration through the
23 aging process or loss of motor skill that results in the
24 inability to practice the profession with reasonable
25 judgment, skill, or safety.

26 (17) Solicitation of professional services by using

1 false or misleading advertising.

2 (18) A finding that licensure has been applied for or
3 obtained by fraudulent means.

4 (19) Practicing or attempting to practice under a name
5 other than the full name as shown on the license or any
6 other legally authorized name.

7 (20) Gross overcharging for professional services
8 including, but not limited to, (i) collection of fees or
9 moneys for services that are not rendered; and (ii)
10 charging for services that are not in accordance with the
11 contract between the licensee and the community
12 association.

13 (21) Improper commingling of personal and client funds
14 in violation of this Act or any rules promulgated thereto.

15 (22) Failing to account for or remit any moneys or
16 documents coming into the licensee's possession that
17 belong to another person or entity.

18 (23) Giving differential treatment to a person that is
19 to that person's detriment because of race, color, creed,
20 sex, religion, or national origin.

21 (24) Performing and charging for services without
22 reasonable authorization to do so from the person or entity
23 for whom service is being provided.

24 (25) Failing to make available to the Department, upon
25 request, any books, records, or forms required by this Act.

26 (26) Purporting to be a supervising community

1 association manager of a firm without active participation
2 in the firm.

3 (27) Failing to make available to the Department at the
4 time of the request any indicia of licensure or
5 registration issued under this Act.

6 (28) Failing to maintain and deposit funds belonging to
7 a community association in accordance with subsection (b)
8 of Section 55 of this Act.

9 (29) Violating the terms of a disciplinary order issued
10 by the Department.

11 (b) (Blank) ~~In accordance with subdivision (a) (5) of~~
12 ~~Section 2105-15 of the Department of Professional Regulation~~
13 ~~Law of the Civil Administrative Code of Illinois (20 ILCS~~
14 ~~2105/2105-15), the Department shall deny a license or renewal~~
15 ~~authorized by this Act to a person who has defaulted on an~~
16 ~~educational loan or scholarship provided or guaranteed by the~~
17 ~~Illinois Student Assistance Commission or any governmental~~
18 ~~agency of this State.~~

19 (c) The determination by a circuit court that a licensee is
20 subject to involuntary admission or judicial admission, as
21 provided in the Mental Health and Developmental Disabilities
22 Code, operates as an automatic suspension. The suspension will
23 terminate only upon a finding by a court that the patient is no
24 longer subject to involuntary admission or judicial admission
25 and the issuance of an order so finding and discharging the
26 patient, and upon the recommendation of the Board to the

1 Secretary that the licensee be allowed to resume his or her
2 practice as a licensed community association manager.

3 (d) In accordance with subsection (g) of Section 2105-15 of
4 the Department of Professional Regulation Law of the Civil
5 Administrative Code of Illinois (20 ILCS 2105/2105-15), the
6 Department may refuse to issue or renew or may suspend the
7 license of any person who fails to file a return, to pay the
8 tax, penalty, or interest shown in a filed return, or to pay
9 any final assessment of tax, penalty, or interest, as required
10 by any tax Act administered by the Department of Revenue, until
11 such time as the requirements of that tax Act are satisfied.

12 (e) In accordance with subdivision (a)(5) of Section
13 2105-15 of the Department of Professional Regulation Law of the
14 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15)
15 and in cases where the Department of Healthcare and Family
16 Services (formerly Department of Public Aid) has previously
17 determined that a licensee or a potential licensee is more than
18 30 days delinquent in the payment of child support and has
19 subsequently certified the delinquency to the Department may
20 refuse to issue or renew or may revoke or suspend that person's
21 license or may take other disciplinary action against that
22 person based solely upon the certification of delinquency made
23 by the Department of Healthcare and Family Services.

24 (f) In enforcing this Section, the Department or Board upon
25 a showing of a possible violation may compel a licensee or an
26 individual licensed to practice under this Act, or who has

1 applied for licensure under this Act, to submit to a mental or
2 physical examination, or both, as required by and at the
3 expense of the Department. The Department or Board may order
4 the examining physician to present testimony concerning the
5 mental or physical examination of the licensee or applicant. No
6 information shall be excluded by reason of any common law or
7 statutory privilege relating to communications between the
8 licensee or applicant and the examining physician. The
9 examining physicians shall be specifically designated by the
10 Board or Department. The individual to be examined may have, at
11 his or her own expense, another physician of his or her choice
12 present during all aspects of this examination. Failure of an
13 individual to submit to a mental or physical examination, when
14 directed, shall be grounds for suspension of his or her license
15 or denial of his or her application or renewal until the
16 individual submits to the examination if the Department finds,
17 after notice and hearing, that the refusal to submit to the
18 examination was without reasonable cause.

19 If the Department or Board finds an individual unable to
20 practice because of the reasons set forth in this Section, the
21 Department or Board may require that individual to submit to
22 care, counseling, or treatment by physicians approved or
23 designated by the Department or Board, as a condition, term, or
24 restriction for continued, reinstated, or renewed licensure to
25 practice; or, in lieu of care, counseling, or treatment, the
26 Department may file, or the Board may recommend to the

1 Department to file, a complaint to immediately suspend, revoke,
2 deny, or otherwise discipline the license of the individual. An
3 individual whose license was granted, continued, reinstated,
4 renewed, disciplined or supervised subject to such terms,
5 conditions, or restrictions, and who fails to comply with such
6 terms, conditions, or restrictions, shall be referred to the
7 Secretary for a determination as to whether the individual
8 shall have his or her license suspended immediately, pending a
9 hearing by the Department.

10 In instances in which the Secretary immediately suspends a
11 person's license under this Section, a hearing on that person's
12 license must be convened by the Department within 30 days after
13 the suspension and completed without appreciable delay. The
14 Department and Board shall have the authority to review the
15 subject individual's record of treatment and counseling
16 regarding the impairment to the extent permitted by applicable
17 federal statutes and regulations safeguarding the
18 confidentiality of medical records.

19 An individual licensed under this Act and affected under
20 this Section shall be afforded an opportunity to demonstrate to
21 the Department or Board that he or she can resume practice in
22 compliance with acceptable and prevailing standards under the
23 provisions of his or her license.

24 (Source: P.A. 97-333, eff. 8-12-11; 98-365, eff. 1-1-14;
25 98-756, eff. 7-16-14.)

1 Section 155. The Detection of Deception Examiners Act is
2 amended by changing Section 14 as follows:

3 (225 ILCS 430/14) (from Ch. 111, par. 2415)

4 (Section scheduled to be repealed on January 1, 2022)

5 Sec. 14. (a) The Department may refuse to issue or renew or
6 may revoke, suspend, place on probation, reprimand, or take
7 other disciplinary or non-disciplinary action as the
8 Department may deem appropriate, including imposing fines not
9 to exceed \$10,000 for each violation, with regard to any
10 license for any one or a combination of the following:

11 (1) Material misstatement in furnishing information to
12 the Department.

13 (2) Violations of this Act, or of the rules adopted
14 under this Act.

15 (3) Conviction by plea of guilty or nolo contendere,
16 finding of guilt, jury verdict, or entry of judgment or by
17 sentencing of any crime, including, but not limited to,
18 convictions, preceding sentences of supervision,
19 conditional discharge, or first offender probation, under
20 the laws of any jurisdiction of the United States: (i) that
21 is a felony or (ii) that is a misdemeanor, an essential
22 element of which is dishonesty, or that is directly related
23 to the practice of the profession.

24 (4) Making any misrepresentation for the purpose of
25 obtaining licensure or violating any provision of this Act

1 or the rules adopted under this Act pertaining to
2 advertising.

3 (5) Professional incompetence.

4 (6) Allowing one's license under this Act to be used by
5 an unlicensed person in violation of this Act.

6 (7) Aiding or assisting another person in violating
7 this Act or any rule adopted under this Act.

8 (8) Where the license holder has been adjudged mentally
9 ill, mentally deficient or subject to involuntary
10 admission as provided in the Mental Health and
11 Developmental Disabilities Code.

12 (9) Failing, within 60 days, to provide information in
13 response to a written request made by the Department.

14 (10) Engaging in dishonorable, unethical, or
15 unprofessional conduct of a character likely to deceive,
16 defraud, or harm the public.

17 (11) Inability to practice with reasonable judgment,
18 skill, or safety as a result of habitual or excessive use
19 or addiction to alcohol, narcotics, stimulants, or any
20 other chemical agent or drug.

21 (12) Discipline by another state, District of
22 Columbia, territory, or foreign nation, if at least one of
23 the grounds for the discipline is the same or substantially
24 equivalent to those set forth in this Section.

25 (13) A finding by the Department that the licensee,
26 after having his or her license placed on probationary

1 status, has violated the terms of probation.

2 (14) Willfully making or filing false records or
3 reports in his or her practice, including, but not limited
4 to, false records filed with State agencies or departments.

5 (15) Inability to practice the profession with
6 reasonable judgment, skill, or safety as a result of a
7 physical illness, including, but not limited to,
8 deterioration through the aging process or loss of motor
9 skill, or a mental illness or disability.

10 (16) Charging for professional services not rendered,
11 including filing false statements for the collection of
12 fees for which services are not rendered.

13 (17) Practicing under a false or, except as provided by
14 law, an assumed name.

15 (18) Fraud or misrepresentation in applying for, or
16 procuring, a license under this Act or in connection with
17 applying for renewal of a license under this Act.

18 (19) Cheating on or attempting to subvert the licensing
19 examination administered under this Act.

20 All fines imposed under this Section shall be paid within
21 60 days after the effective date of the order imposing the
22 fine.

23 (b) The Department may refuse to issue or may suspend
24 without hearing, as provided for in the Code of Civil
25 Procedure, the license of any person who fails to file a
26 return, or pay the tax, penalty, or interest shown in a filed

1 return, or pay any final assessment of the tax, penalty, or
2 interest as required by any tax Act administered by the
3 Illinois Department of Revenue, until such time as the
4 requirements of any such tax Act are satisfied in accordance
5 with subsection (g) of Section 2105-15 of the Civil
6 Administrative Code of Illinois.

7 (c) (Blank) ~~The Department shall deny a license or renewal~~
8 ~~authorized by this Act to a person who has defaulted on an~~
9 ~~educational loan or scholarship provided or guaranteed by the~~
10 ~~Illinois Student Assistance Commission or any governmental~~
11 ~~agency of this State in accordance with item (5) of subsection~~
12 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~
13 ~~Illinois.~~

14 (d) In cases where the Department of Healthcare and Family
15 Services has previously determined a licensee or a potential
16 licensee is more than 30 days delinquent in the payment of
17 child support and has subsequently certified the delinquency to
18 the Department, the Department may refuse to issue or renew or
19 may revoke or suspend that person's license or may take other
20 disciplinary action against that person based solely upon the
21 certification of delinquency made by the Department of
22 Healthcare and Family Services in accordance with item (5) of
23 subsection (a) of Section 2105-15 of the Civil Administrative
24 Code of Illinois.

25 (e) The determination by a circuit court that a licensee is
26 subject to involuntary admission or judicial admission, as

1 provided in the Mental Health and Developmental Disabilities
2 Code, operates as an automatic suspension. The suspension will
3 end only upon a finding by a court that the patient is no
4 longer subject to involuntary admission or judicial admission
5 and the issuance of an order so finding and discharging the
6 patient.

7 (f) In enforcing this Act, the Department, upon a showing
8 of a possible violation, may compel an individual licensed to
9 practice under this Act, or who has applied for licensure under
10 this Act, to submit to a mental or physical examination, or
11 both, as required by and at the expense of the Department. The
12 Department may order the examining physician to present
13 testimony concerning the mental or physical examination of the
14 licensee or applicant. No information shall be excluded by
15 reason of any common law or statutory privilege relating to
16 communications between the licensee or applicant and the
17 examining physician. The examining physicians shall be
18 specifically designated by the Department. The individual to be
19 examined may have, at his or her own expense, another physician
20 of his or her choice present during all aspects of this
21 examination. The examination shall be performed by a physician
22 licensed to practice medicine in all its branches. Failure of
23 an individual to submit to a mental or physical examination,
24 when directed, shall result in an automatic suspension without
25 hearing.

26 A person holding a license under this Act or who has

1 applied for a license under this Act who, because of a physical
2 or mental illness or disability, including, but not limited to,
3 deterioration through the aging process or loss of motor skill,
4 is unable to practice the profession with reasonable judgment,
5 skill, or safety, may be required by the Department to submit
6 to care, counseling, or treatment by physicians approved or
7 designated by the Department as a condition, term, or
8 restriction for continued, reinstated, or renewed licensure to
9 practice. Submission to care, counseling, or treatment as
10 required by the Department shall not be considered discipline
11 of a license. If the licensee refuses to enter into a care,
12 counseling, or treatment agreement or fails to abide by the
13 terms of the agreement, the Department may file a complaint to
14 revoke, suspend, or otherwise discipline the license of the
15 individual. The Secretary may order the license suspended
16 immediately, pending a hearing by the Department. Fines shall
17 not be assessed in disciplinary actions involving physical or
18 mental illness or impairment.

19 In instances in which the Secretary immediately suspends a
20 person's license under this Section, a hearing on that person's
21 license must be convened by the Department within 15 days after
22 the suspension and completed without appreciable delay. The
23 Department shall have the authority to review the subject
24 individual's record of treatment and counseling regarding the
25 impairment to the extent permitted by applicable federal
26 statutes and regulations safeguarding the confidentiality of

1 medical records.

2 An individual licensed under this Act and affected under
3 this Section shall be afforded an opportunity to demonstrate to
4 the Department that he or she can resume practice in compliance
5 with acceptable and prevailing standards under the provisions
6 of his or her license.

7 (Source: P.A. 97-168, eff. 7-22-11; 98-463, eff. 8-16-13;
8 98-756, eff. 7-16-14.)

9 Section 160. The Home Inspector License Act is amended by
10 changing Section 15-10 as follows:

11 (225 ILCS 441/15-10)

12 (Section scheduled to be repealed on January 1, 2022)

13 Sec. 15-10. Grounds for disciplinary action.

14 (a) The Department may refuse to issue or renew, or may
15 revoke, suspend, place on probation, reprimand, or take other
16 disciplinary or non-disciplinary action as the Department may
17 deem appropriate, including imposing fines not to exceed
18 \$25,000 for each violation, with regard to any license for any
19 one or combination of the following:

20 (1) Fraud or misrepresentation in applying for, or
21 procuring a license under this Act or in connection with
22 applying for renewal of a license under this Act.

23 (2) Failing to meet the minimum qualifications for
24 licensure as a home inspector established by this Act.

1 (3) Paying money, other than for the fees provided for
2 by this Act, or anything of value to an employee of the
3 Department to procure licensure under this Act.

4 (4) Conviction by plea of guilty or nolo contendere,
5 finding of guilt, jury verdict, or entry of judgment or by
6 sentencing of any crime, including, but not limited to,
7 convictions, preceding sentences of supervision,
8 conditional discharge, or first offender probation, under
9 the laws of any jurisdiction of the United States: (i) that
10 is a felony; (ii) that is a misdemeanor, an essential
11 element of which is dishonesty, or that is directly related
12 to the practice of the profession; or (iii) that is a crime
13 that subjects the licensee to compliance with the
14 requirements of the Sex Offender Registration Act.

15 (5) Committing an act or omission involving
16 dishonesty, fraud, or misrepresentation with the intent to
17 substantially benefit the licensee or another person or
18 with the intent to substantially injure another person.

19 (6) Violating a provision or standard for the
20 development or communication of home inspections as
21 provided in Section 10-5 of this Act or as defined in the
22 rules.

23 (7) Failing or refusing to exercise reasonable
24 diligence in the development, reporting, or communication
25 of a home inspection report, as defined by this Act or the
26 rules.

1 (8) Violating a provision of this Act or the rules.

2 (9) Having been disciplined by another state, the
3 District of Columbia, a territory, a foreign nation, a
4 governmental agency, or any other entity authorized to
5 impose discipline if at least one of the grounds for that
6 discipline is the same as or substantially equivalent to
7 one of the grounds for which a licensee may be disciplined
8 under this Act.

9 (10) Engaging in dishonorable, unethical, or
10 unprofessional conduct of a character likely to deceive,
11 defraud, or harm the public.

12 (11) Accepting an inspection assignment when the
13 employment itself is contingent upon the home inspector
14 reporting a predetermined analysis or opinion, or when the
15 fee to be paid is contingent upon the analysis, opinion, or
16 conclusion reached or upon the consequences resulting from
17 the home inspection assignment.

18 (12) Developing home inspection opinions or
19 conclusions based on the race, color, religion, sex,
20 national origin, ancestry, age, marital status, family
21 status, physical or mental disability, or unfavorable
22 military discharge, as defined under the Illinois Human
23 Rights Act, of the prospective or present owners or
24 occupants of the area or property under home inspection.

25 (13) Being adjudicated liable in a civil proceeding on
26 grounds of fraud, misrepresentation, or deceit. In a

1 disciplinary proceeding based upon a finding of civil
2 liability, the home inspector shall be afforded an
3 opportunity to present mitigating and extenuating
4 circumstances, but may not collaterally attack the civil
5 adjudication.

6 (14) Being adjudicated liable in a civil proceeding for
7 violation of a State or federal fair housing law.

8 (15) Engaging in misleading or untruthful advertising
9 or using a trade name or insignia of membership in a home
10 inspection organization of which the licensee is not a
11 member.

12 (16) Failing, within 30 days, to provide information in
13 response to a written request made by the Department.

14 (17) Failing to include within the home inspection
15 report the home inspector's license number and the date of
16 expiration of the license. All home inspectors providing
17 significant contribution to the development and reporting
18 of a home inspection must be disclosed in the home
19 inspection report. It is a violation of this Act for a home
20 inspector to sign a home inspection report knowing that a
21 person providing a significant contribution to the report
22 has not been disclosed in the home inspection report.

23 (18) Advising a client as to whether the client should
24 or should not engage in a transaction regarding the
25 residential real property that is the subject of the home
26 inspection.

1 (19) Performing a home inspection in a manner that
2 damages or alters the residential real property that is the
3 subject of the home inspection without the consent of the
4 owner.

5 (20) Performing a home inspection when the home
6 inspector is providing or may also provide other services
7 in connection with the residential real property or
8 transaction, or has an interest in the residential real
9 property, without providing prior written notice of the
10 potential or actual conflict and obtaining the prior
11 consent of the client as provided by rule.

12 (21) Aiding or assisting another person in violating
13 any provision of this Act or rules adopted under this Act.

14 (22) Inability to practice with reasonable judgment,
15 skill, or safety as a result of habitual or excessive use
16 or addiction to alcohol, narcotics, stimulants, or any
17 other chemical agent or drug.

18 (23) A finding by the Department that the licensee,
19 after having his or her license placed on probationary
20 status, has violated the terms of probation.

21 (24) Willfully making or filing false records or
22 reports in his or her practice, including, but not limited
23 to, false records filed with State agencies or departments.

24 (25) Charging for professional services not rendered,
25 including filing false statements for the collection of
26 fees for which services are not rendered.

1 (26) Practicing under a false or, except as provided by
2 law, an assumed name.

3 (27) Cheating on or attempting to subvert the licensing
4 examination administered under this Act.

5 (b) The Department may suspend, revoke, or refuse to issue
6 or renew an education provider's license, may reprimand, place
7 on probation, or otherwise discipline an education provider
8 licensee, and may suspend or revoke the course approval of any
9 course offered by an education provider, for any of the
10 following:

11 (1) Procuring or attempting to procure licensure by
12 knowingly making a false statement, submitting false
13 information, making any form of fraud or
14 misrepresentation, or refusing to provide complete
15 information in response to a question in an application for
16 licensure.

17 (2) Failing to comply with the covenants certified to
18 on the application for licensure as an education provider.

19 (3) Committing an act or omission involving
20 dishonesty, fraud, or misrepresentation or allowing any
21 such act or omission by any employee or contractor under
22 the control of the education provider.

23 (4) Engaging in misleading or untruthful advertising.

24 (5) Failing to retain competent instructors in
25 accordance with rules adopted under this Act.

26 (6) Failing to meet the topic or time requirements for

1 course approval as the provider of a pre-license curriculum
2 course or a continuing education course.

3 (7) Failing to administer an approved course using the
4 course materials, syllabus, and examinations submitted as
5 the basis of the course approval.

6 (8) Failing to provide an appropriate classroom
7 environment for presentation of courses, with
8 consideration for student comfort, acoustics, lighting,
9 seating, workspace, and visual aid material.

10 (9) Failing to maintain student records in compliance
11 with the rules adopted under this Act.

12 (10) Failing to provide a certificate, transcript, or
13 other student record to the Department or to a student as
14 may be required by rule.

15 (11) Failing to fully cooperate with a Department
16 investigation by knowingly making a false statement,
17 submitting false or misleading information, or refusing to
18 provide complete information in response to written
19 interrogatories or a written request for documentation
20 within 30 days of the request.

21 (c) In appropriate cases, the Department may resolve a
22 complaint against a licensee through the issuance of a Consent
23 to Administrative Supervision order. A licensee subject to a
24 Consent to Administrative Supervision order shall be
25 considered by the Department as an active licensee in good
26 standing. This order shall not be reported as or considered by

1 the Department to be a discipline of the licensee. The records
2 regarding an investigation and a Consent to Administrative
3 Supervision order shall be considered confidential and shall
4 not be released by the Department except as mandated by law.
5 The complainant shall be notified that his or her complaint has
6 been resolved by a Consent to Administrative Supervision order.

7 (d) The Department may refuse to issue or may suspend
8 without hearing, as provided for in the Code of Civil
9 Procedure, the license of any person who fails to file a tax
10 return, to pay the tax, penalty, or interest shown in a filed
11 tax return, or to pay any final assessment of tax, penalty, or
12 interest, as required by any tax Act administered by the
13 Illinois Department of Revenue, until such time as the
14 requirements of the tax Act are satisfied in accordance with
15 subsection (g) of Section 2105-15 of the Civil Administrative
16 Code of Illinois.

17 (e) (Blank) ~~The Department shall deny a license or renewal~~
18 ~~authorized by this Act to a person who has defaulted on an~~
19 ~~educational loan or scholarship provided or guaranteed by the~~
20 ~~Illinois Student Assistance Commission or any governmental~~
21 ~~agency of this State in accordance with item (5) of subsection~~
22 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~
23 ~~Illinois.~~

24 (f) In cases where the Department of Healthcare and Family
25 Services has previously determined that a licensee or a
26 potential licensee is more than 30 days delinquent in the

1 payment of child support and has subsequently certified the
2 delinquency to the Department, the Department may refuse to
3 issue or renew or may revoke or suspend that person's license
4 or may take other disciplinary action against that person based
5 solely upon the certification of delinquency made by the
6 Department of Healthcare and Family Services in accordance with
7 item (5) of subsection (a) of Section 2105-15 of the Civil
8 Administrative Code of Illinois.

9 (g) The determination by a circuit court that a licensee is
10 subject to involuntary admission or judicial admission, as
11 provided in the Mental Health and Developmental Disabilities
12 Code, operates as an automatic suspension. The suspension will
13 end only upon a finding by a court that the patient is no
14 longer subject to involuntary admission or judicial admission
15 and the issuance of a court order so finding and discharging
16 the patient.

17 (h) In enforcing this Act, the Department, upon a showing
18 of a possible violation, may compel an individual licensed to
19 practice under this Act, or who has applied for licensure under
20 this Act, to submit to a mental or physical examination, or
21 both, as required by and at the expense of the Department. The
22 Department may order the examining physician to present
23 testimony concerning the mental or physical examination of the
24 licensee or applicant. No information shall be excluded by
25 reason of any common law or statutory privilege relating to
26 communications between the licensee or applicant and the

1 examining physician. The examining physician shall be
2 specifically designated by the Department. The individual to be
3 examined may have, at his or her own expense, another physician
4 of his or her choice present during all aspects of this
5 examination. The examination shall be performed by a physician
6 licensed to practice medicine in all its branches. Failure of
7 an individual to submit to a mental or physical examination,
8 when directed, shall result in an automatic suspension without
9 hearing.

10 A person holding a license under this Act or who has
11 applied for a license under this Act, who, because of a
12 physical or mental illness or disability, including, but not
13 limited to, deterioration through the aging process or loss of
14 motor skill, is unable to practice the profession with
15 reasonable judgment, skill, or safety, may be required by the
16 Department to submit to care, counseling, or treatment by
17 physicians approved or designated by the Department as a
18 condition, term, or restriction for continued, reinstated, or
19 renewed licensure to practice. Submission to care, counseling,
20 or treatment as required by the Department shall not be
21 considered discipline of a license. If the licensee refuses to
22 enter into a care, counseling, or treatment agreement or fails
23 to abide by the terms of the agreement, the Department may file
24 a complaint to revoke, suspend, or otherwise discipline the
25 license of the individual. The Secretary may order the license
26 suspended immediately, pending a hearing by the Department.

1 Fines shall not be assessed in disciplinary actions involving
2 physical or mental illness or impairment.

3 In instances in which the Secretary immediately suspends a
4 person's license under this Section, a hearing on that person's
5 license must be convened by the Department within 15 days after
6 the suspension and completed without appreciable delay. The
7 Department shall have the authority to review the subject
8 individual's record of treatment and counseling regarding the
9 impairment to the extent permitted by applicable federal
10 statutes and regulations safeguarding the confidentiality of
11 medical records.

12 An individual licensed under this Act and affected under
13 this Section shall be afforded an opportunity to demonstrate to
14 the Department that he or she can resume practice in compliance
15 with acceptable and prevailing standards under the provisions
16 of his or her license.

17 (Source: P.A. 97-226, eff. 7-28-11; 97-877, eff. 8-2-12;
18 98-756, eff. 7-16-14.)

19 (225 ILCS 447/40-35 rep.)

20 Section 165. The Private Detective, Private Alarm, Private
21 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
22 amended by repealing Section 40-35.

23 Section 170. The Illinois Public Accounting Act is amended
24 by changing Section 20.01 as follows:

1 (225 ILCS 450/20.01) (from Ch. 111, par. 5521.01)

2 (Section scheduled to be repealed on January 1, 2024)

3 Sec. 20.01. Grounds for discipline; license or
4 registration.

5 (a) The Department may refuse to issue or renew, or may
6 revoke, suspend, or reprimand any registration or registrant,
7 any license or licensee, place a licensee or registrant on
8 probation for a period of time subject to any conditions the
9 Department may specify including requiring the licensee or
10 registrant to attend continuing education courses or to work
11 under the supervision of another licensee or registrant, impose
12 a fine not to exceed \$10,000 for each violation, restrict the
13 authorized scope of practice, require a licensee or registrant
14 to undergo a peer review program, assess costs as provided for
15 under Section 20.4, or take other disciplinary or
16 non-disciplinary action for any one or more of the following:

17 (1) Violation of any provision of this Act or rule
18 adopted by the Department under this Act or violation of
19 professional standards.

20 (2) Dishonesty, fraud, or deceit in obtaining,
21 reinstating, or restoring a license or registration.

22 (3) Cancellation, revocation, suspension, denial of
23 licensure or registration, or refusal to renew a license or
24 privileges under Section 5.2 for disciplinary reasons in
25 any other U.S. jurisdiction, unit of government, or

1 government agency for any cause.

2 (4) Failure, on the part of a licensee under Section 13
3 or registrant under Section 16, to maintain compliance with
4 the requirements for issuance or renewal of a license or
5 registration or to report changes to the Department.

6 (5) Revocation or suspension of the right to practice
7 by or before any state or federal regulatory authority or
8 by the Public Company Accounting Oversight Board.

9 (6) Dishonesty, fraud, deceit, or gross negligence in
10 the performance of services as a licensee or registrant or
11 individual granted privileges under Section 5.2.

12 (7) Conviction by plea of guilty or nolo contendere,
13 finding of guilt, jury verdict, or entry of judgment or
14 sentencing, including, but not limited to, convictions,
15 preceding sentences of supervision, conditional discharge,
16 or first offender probation, under the laws of any
17 jurisdiction of the United States that is (i) a felony or
18 (ii) a misdemeanor, an essential element of which is
19 dishonesty, or that is directly related to the practice of
20 public accounting.

21 (8) Performance of any fraudulent act while holding a
22 license or privilege issued under this Act or prior law.

23 (9) Practicing on a revoked, suspended, or inactive
24 license or registration.

25 (10) Making or filing a report or record that the
26 registrant or licensee knows to be false, willfully failing

1 to file a report or record required by State or federal
2 law, willfully impeding or obstructing the filing or
3 inducing another person to impede or obstruct only those
4 that are signed in the capacity of a licensed CPA or a
5 registered CPA.

6 (11) Aiding or assisting another person in violating
7 any provision of this Act or rules promulgated hereunder.

8 (12) Engaging in dishonorable, unethical, or
9 unprofessional conduct of a character likely to deceive,
10 defraud, or harm the public.

11 (13) Habitual or excessive use or abuse of drugs,
12 alcohol, narcotics, stimulants, or any other substance
13 that results in the inability to practice with reasonable
14 skill, judgment, or safety.

15 (14) Directly or indirectly giving to or receiving from
16 any person, firm, corporation, partnership, or association
17 any fee, commission, rebate, or other form of compensation
18 for any professional service not actually rendered.

19 (15) Physical illness, including, but not limited to,
20 deterioration through the aging process or loss of motor
21 skill that results in the licensee or registrant's
22 inability to practice under this Act with reasonable
23 judgment, skill, or safety.

24 (16) Solicitation of professional services by using
25 false or misleading advertising.

26 (17) Any conduct reflecting adversely upon the

1 licensee's fitness to perform services while a licensee or
2 individual granted privileges under Section 5.2.

3 (18) Practicing or attempting to practice under a name
4 other than the full name as shown on the license or
5 registration or any other legally authorized name.

6 (19) A finding by the Department that a licensee or
7 registrant has not complied with a provision of any lawful
8 order issued by the Department.

9 (20) Making a false statement to the Department
10 regarding compliance with continuing professional
11 education or peer review requirements.

12 (21) Failing to make a substantive response to a
13 request for information by the Department within 30 days of
14 the request.

15 (b) (Blank).

16 (b-5) All fines or costs imposed under this Section shall
17 be paid within 60 days after the effective date of the order
18 imposing the fine or costs or in accordance with the terms set
19 forth in the order imposing the fine or cost.

20 (c) In cases where the Department of Healthcare and Family
21 Services has previously determined a licensee or a potential
22 licensee is more than 30 days delinquent in the payment of
23 child support and has subsequently certified the delinquency to
24 the Department, the Department may refuse to issue or renew or
25 may revoke or suspend that person's license or may take other
26 disciplinary or non-disciplinary action against that person

1 based solely upon the certification of delinquency made by the
2 Department of Healthcare and Family Services in accordance with
3 item (5) of subsection (a) of Section 2105-15 of the Department
4 of Professional Regulation Law of the Civil Administrative Code
5 of Illinois.

6 (d) The Department may refuse to issue or may suspend
7 without hearing, as provided for in the Code of Civil
8 Procedure, the license or registration of any person who fails
9 to file a return, to pay a tax, penalty, or interest shown in a
10 filed return, or to pay any final assessment of tax, penalty,
11 or interest, as required by any tax Act administered by the
12 Illinois Department of Revenue, until such time as the
13 requirements of any such tax Act are satisfied in accordance
14 with subsection (g) of Section 2105-15 of the Department of
15 Professional Regulation Law of the Civil Administrative Code of
16 Illinois.

17 (e) (Blank) ~~The Department shall deny any application for a~~
18 ~~license, registration, or renewal, without hearing, to any~~
19 ~~person who has defaulted on an educational loan guaranteed by~~
20 ~~the Illinois Student Assistance Commission; however, the~~
21 ~~Department may issue a license, registration, or renewal if the~~
22 ~~person in default has established a satisfactory repayment~~
23 ~~record as determined by the Illinois Student Assistance~~
24 ~~Commission.~~

25 (f) The determination by a court that a licensee or
26 registrant is subject to involuntary admission or judicial

1 admission as provided in the Mental Health and Developmental
2 Disabilities Code will result in the automatic suspension of
3 his or her license or registration. The licensee or registrant
4 shall be responsible for notifying the Department of the
5 determination by the court that the licensee or registrant is
6 subject to involuntary admission or judicial admission as
7 provided in the Mental Health and Developmental Disabilities
8 Code. The suspension shall end only upon a finding by a court
9 that the patient is no longer subject to involuntary admission
10 or judicial admission, the issuance of an order so finding and
11 discharging the patient, and the filing of a petition for
12 restoration demonstrating fitness to practice.

13 (g) In enforcing this Section, the Department, upon a
14 showing of a possible violation, may compel, any licensee or
15 registrant or any individual who has applied for licensure
16 under this Act, to submit to a mental or physical examination
17 and evaluation, or both, which may include a substance abuse or
18 sexual offender evaluation, at the expense of the Department.
19 The Department shall specifically designate the examining
20 physician licensed to practice medicine in all of its branches
21 or, if applicable, the multidisciplinary team involved in
22 providing the mental or physical examination and evaluation, or
23 both. The multidisciplinary team shall be led by a physician
24 licensed to practice medicine in all of its branches and may
25 consist of one or more or a combination of physicians licensed
26 to practice medicine in all of its branches, licensed

1 chiropractic physicians, licensed clinical psychologists,
2 licensed clinical social workers, licensed clinical
3 professional counselors, and other professional and
4 administrative staff. Any examining physician or member of the
5 multidisciplinary team may require any person ordered to submit
6 to an examination and evaluation under this Section to submit
7 to any additional supplemental testing deemed necessary to
8 complete any examination or evaluation process, including, but
9 not limited to, blood testing, urinalysis, psychological
10 testing, or neuropsychological testing. The Department may
11 order the examining physician or any member of the
12 multidisciplinary team to provide to the Department any and all
13 records, including business records, that relate to the
14 examination and evaluation, including any supplemental testing
15 performed. The Department may order the examining physician or
16 any member of the multidisciplinary team to present testimony
17 concerning this examination and evaluation of the licensee,
18 registrant, or applicant, including testimony concerning any
19 supplemental testing or documents relating to the examination
20 and evaluation. No information, report, record, or other
21 documents in any way related to the examination and evaluation
22 shall be excluded by reason of any common law or statutory
23 privilege relating to communication between the licensee,
24 registrant, or applicant and the examining physician or any
25 member of the multidisciplinary team. No authorization is
26 necessary from the individual ordered to undergo an evaluation

1 and examination for the examining physician or any member of
2 the multidisciplinary team to provide information, reports,
3 records, or other documents or to provide any testimony
4 regarding the examination and evaluation.

5 The individual to be examined may have, at his or her own
6 expense, another physician of his or her choice present during
7 all aspects of the examination. Failure of any individual to
8 submit to mental or physical examination and evaluation, or
9 both, when directed, shall result in an automatic suspension,
10 without hearing, until such time as the individual submits to
11 the examination. If the Department finds a licensee,
12 registrant, or applicant unable to practice because of the
13 reasons set forth in this Section, the Department shall require
14 such licensee, registrant, or applicant to submit to care,
15 counseling, or treatment by physicians approved or designated
16 by the Department, as a condition for continued, reinstated, or
17 renewed licensure to practice.

18 When the Secretary immediately suspends a license or
19 registration under this Section, a hearing upon such person's
20 license or registration must be convened by the Department
21 within 15 days after such suspension and completed without
22 appreciable delay. The Department shall have the authority to
23 review the subject's record of treatment and counseling
24 regarding the impairment, to the extent permitted by applicable
25 federal statutes and regulations safeguarding the
26 confidentiality of medical records.

1 Individuals licensed or registered under this Act,
2 affected under this Section, shall be afforded an opportunity
3 to demonstrate to the Department that they can resume practice
4 in compliance with acceptable and prevailing standards under
5 the provisions of their license or registration.

6 (Source: P.A. 98-254, eff. 8-9-13.)

7 Section 175. The Real Estate License Act of 2000 is amended
8 by changing Section 20-20 as follows:

9 (225 ILCS 454/20-20)

10 (Section scheduled to be repealed on January 1, 2020)

11 Sec. 20-20. Grounds for discipline.

12 (a) The Department may refuse to issue or renew a license,
13 may place on probation, suspend, or revoke any license,
14 reprimand, or take any other disciplinary or non-disciplinary
15 action as the Department may deem proper and impose a fine not
16 to exceed \$25,000 upon any licensee or applicant under this Act
17 or any person who holds himself or herself out as an applicant
18 or licensee or against a licensee in handling his or her own
19 property, whether held by deed, option, or otherwise, for any
20 one or any combination of the following causes:

21 (1) Fraud or misrepresentation in applying for, or
22 procuring, a license under this Act or in connection with
23 applying for renewal of a license under this Act.

24 (2) The conviction of or plea of guilty or plea of nolo

1 contendere to a felony or misdemeanor in this State or any
2 other jurisdiction; or the entry of an administrative
3 sanction by a government agency in this State or any other
4 jurisdiction. Action taken under this paragraph (2) for a
5 misdemeanor or an administrative sanction is limited to a
6 misdemeanor or administrative sanction that has as an
7 essential element dishonesty or fraud or involves larceny,
8 embezzlement, or obtaining money, property, or credit by
9 false pretenses or by means of a confidence game.

10 (3) Inability to practice the profession with
11 reasonable judgment, skill, or safety as a result of a
12 physical illness, including, but not limited to,
13 deterioration through the aging process or loss of motor
14 skill, or a mental illness or disability.

15 (4) Practice under this Act as a licensee in a retail
16 sales establishment from an office, desk, or space that is
17 not separated from the main retail business by a separate
18 and distinct area within the establishment.

19 (5) Having been disciplined by another state, the
20 District of Columbia, a territory, a foreign nation, or a
21 governmental agency authorized to impose discipline if at
22 least one of the grounds for that discipline is the same as
23 or the equivalent of one of the grounds for which a
24 licensee may be disciplined under this Act. A certified
25 copy of the record of the action by the other state or
26 jurisdiction shall be prima facie evidence thereof.

1 (6) Engaging in the practice of real estate brokerage
2 without a license or after the licensee's license was
3 expired or while the license was inoperative.

4 (7) Cheating on or attempting to subvert the Real
5 Estate License Exam or continuing education exam.

6 (8) Aiding or abetting an applicant to subvert or cheat
7 on the Real Estate License Exam or continuing education
8 exam administered pursuant to this Act.

9 (9) Advertising that is inaccurate, misleading, or
10 contrary to the provisions of the Act.

11 (10) Making any substantial misrepresentation or
12 untruthful advertising.

13 (11) Making any false promises of a character likely to
14 influence, persuade, or induce.

15 (12) Pursuing a continued and flagrant course of
16 misrepresentation or the making of false promises through
17 licensees, employees, agents, advertising, or otherwise.

18 (13) Any misleading or untruthful advertising, or
19 using any trade name or insignia of membership in any real
20 estate organization of which the licensee is not a member.

21 (14) Acting for more than one party in a transaction
22 without providing written notice to all parties for whom
23 the licensee acts.

24 (15) Representing or attempting to represent a broker
25 other than the sponsoring broker.

26 (16) Failure to account for or to remit any moneys or

1 documents coming into his or her possession that belong to
2 others.

3 (17) Failure to maintain and deposit in a special
4 account, separate and apart from personal and other
5 business accounts, all escrow moneys belonging to others
6 entrusted to a licensee while acting as a real estate
7 broker, escrow agent, or temporary custodian of the funds
8 of others or failure to maintain all escrow moneys on
9 deposit in the account until the transactions are
10 consummated or terminated, except to the extent that the
11 moneys, or any part thereof, shall be:

12 (A) disbursed prior to the consummation or
13 termination (i) in accordance with the written
14 direction of the principals to the transaction or their
15 duly authorized agents, (ii) in accordance with
16 directions providing for the release, payment, or
17 distribution of escrow moneys contained in any written
18 contract signed by the principals to the transaction or
19 their duly authorized agents, or (iii) pursuant to an
20 order of a court of competent jurisdiction; or

21 (B) deemed abandoned and transferred to the Office
22 of the State Treasurer to be handled as unclaimed
23 property pursuant to the Uniform Disposition of
24 Unclaimed Property Act. Escrow moneys may be deemed
25 abandoned under this subparagraph (B) only: (i) in the
26 absence of disbursement under subparagraph (A); (ii)

1 in the absence of notice of the filing of any claim in
2 a court of competent jurisdiction; and (iii) if 6
3 months have elapsed after the receipt of a written
4 demand for the escrow moneys from one of the principals
5 to the transaction or the principal's duly authorized
6 agent.

7 The account shall be noninterest bearing, unless the
8 character of the deposit is such that payment of interest
9 thereon is otherwise required by law or unless the
10 principals to the transaction specifically require, in
11 writing, that the deposit be placed in an interest bearing
12 account.

13 (18) Failure to make available to the Department all
14 escrow records and related documents maintained in
15 connection with the practice of real estate within 24 hours
16 of a request for those documents by Department personnel.

17 (19) Failing to furnish copies upon request of
18 documents relating to a real estate transaction to a party
19 who has executed that document.

20 (20) Failure of a sponsoring broker to timely provide
21 information, sponsor cards, or termination of licenses to
22 the Department.

23 (21) Engaging in dishonorable, unethical, or
24 unprofessional conduct of a character likely to deceive,
25 defraud, or harm the public.

26 (22) Commingling the money or property of others with

1 his or her own money or property.

2 (23) Employing any person on a purely temporary or
3 single deal basis as a means of evading the law regarding
4 payment of commission to nonlicensees on some contemplated
5 transactions.

6 (24) Permitting the use of his or her license as a
7 broker to enable a salesperson or unlicensed person to
8 operate a real estate business without actual
9 participation therein and control thereof by the broker.

10 (25) Any other conduct, whether of the same or a
11 different character from that specified in this Section,
12 that constitutes dishonest dealing.

13 (26) Displaying a "for rent" or "for sale" sign on any
14 property without the written consent of an owner or his or
15 her duly authorized agent or advertising by any means that
16 any property is for sale or for rent without the written
17 consent of the owner or his or her authorized agent.

18 (27) Failing to provide information requested by the
19 Department, or otherwise respond to that request, within 30
20 days of the request.

21 (28) Advertising by means of a blind advertisement,
22 except as otherwise permitted in Section 10-30 of this Act.

23 (29) Offering guaranteed sales plans, as defined in
24 clause (A) of this subdivision (29), except to the extent
25 hereinafter set forth:

26 (A) A "guaranteed sales plan" is any real estate

1 purchase or sales plan whereby a licensee enters into a
2 conditional or unconditional written contract with a
3 seller, prior to entering into a brokerage agreement
4 with the seller, by the terms of which a licensee
5 agrees to purchase a property of the seller within a
6 specified period of time at a specific price in the
7 event the property is not sold in accordance with the
8 terms of a brokerage agreement to be entered into
9 between the sponsoring broker and the seller.

10 (B) A licensee offering a guaranteed sales plan
11 shall provide the details and conditions of the plan in
12 writing to the party to whom the plan is offered.

13 (C) A licensee offering a guaranteed sales plan
14 shall provide to the party to whom the plan is offered
15 evidence of sufficient financial resources to satisfy
16 the commitment to purchase undertaken by the broker in
17 the plan.

18 (D) Any licensee offering a guaranteed sales plan
19 shall undertake to market the property of the seller
20 subject to the plan in the same manner in which the
21 broker would market any other property, unless the
22 agreement with the seller provides otherwise.

23 (E) The licensee cannot purchase seller's property
24 until the brokerage agreement has ended according to
25 its terms or is otherwise terminated.

26 (F) Any licensee who fails to perform on a

1 guaranteed sales plan in strict accordance with its
2 terms shall be subject to all the penalties provided in
3 this Act for violations thereof and, in addition, shall
4 be subject to a civil fine payable to the party injured
5 by the default in an amount of up to \$25,000.

6 (30) Influencing or attempting to influence, by any
7 words or acts, a prospective seller, purchaser, occupant,
8 landlord, or tenant of real estate, in connection with
9 viewing, buying, or leasing real estate, so as to promote
10 or tend to promote the continuance or maintenance of
11 racially and religiously segregated housing or so as to
12 retard, obstruct, or discourage racially integrated
13 housing on or in any street, block, neighborhood, or
14 community.

15 (31) Engaging in any act that constitutes a violation
16 of any provision of Article 3 of the Illinois Human Rights
17 Act, whether or not a complaint has been filed with or
18 adjudicated by the Human Rights Commission.

19 (32) Inducing any party to a contract of sale or lease
20 or brokerage agreement to break the contract of sale or
21 lease or brokerage agreement for the purpose of
22 substituting, in lieu thereof, a new contract for sale or
23 lease or brokerage agreement with a third party.

24 (33) Negotiating a sale, exchange, or lease of real
25 estate directly with any person if the licensee knows that
26 the person has an exclusive brokerage agreement with

1 another broker, unless specifically authorized by that
2 broker.

3 (34) When a licensee is also an attorney, acting as the
4 attorney for either the buyer or the seller in the same
5 transaction in which the licensee is acting or has acted as
6 a broker or salesperson.

7 (35) Advertising or offering merchandise or services
8 as free if any conditions or obligations necessary for
9 receiving the merchandise or services are not disclosed in
10 the same advertisement or offer. These conditions or
11 obligations include without limitation the requirement
12 that the recipient attend a promotional activity or visit a
13 real estate site. As used in this subdivision (35), "free"
14 includes terms such as "award", "prize", "no charge", "free
15 of charge", "without charge", and similar words or phrases
16 that reasonably lead a person to believe that he or she may
17 receive or has been selected to receive something of value,
18 without any conditions or obligations on the part of the
19 recipient.

20 (36) Disregarding or violating any provision of the
21 Land Sales Registration Act of 1989, the Illinois Real
22 Estate Time-Share Act, or the published rules promulgated
23 by the Department to enforce those Acts.

24 (37) Violating the terms of a disciplinary order issued
25 by the Department.

26 (38) Paying or failing to disclose compensation in

1 violation of Article 10 of this Act.

2 (39) Requiring a party to a transaction who is not a
3 client of the licensee to allow the licensee to retain a
4 portion of the escrow moneys for payment of the licensee's
5 commission or expenses as a condition for release of the
6 escrow moneys to that party.

7 (40) Disregarding or violating any provision of this
8 Act or the published rules promulgated by the Department to
9 enforce this Act or aiding or abetting any individual,
10 partnership, registered limited liability partnership,
11 limited liability company, or corporation in disregarding
12 any provision of this Act or the published rules
13 promulgated by the Department to enforce this Act.

14 (41) Failing to provide the minimum services required
15 by Section 15-75 of this Act when acting under an exclusive
16 brokerage agreement.

17 (42) Habitual or excessive use or addiction to alcohol,
18 narcotics, stimulants, or any other chemical agent or drug
19 that results in a managing broker, broker, salesperson, or
20 leasing agent's inability to practice with reasonable
21 skill or safety.

22 (43) Enabling, aiding, or abetting an auctioneer, as
23 defined in the Auction License Act, to conduct a real
24 estate auction in a manner that is in violation of this
25 Act.

26 (b) The Department may refuse to issue or renew or may

1 suspend the license of any person who fails to file a return,
2 pay the tax, penalty or interest shown in a filed return, or
3 pay any final assessment of tax, penalty, or interest, as
4 required by any tax Act administered by the Department of
5 Revenue, until such time as the requirements of that tax Act
6 are satisfied in accordance with subsection (g) of Section
7 2105-15 of the Civil Administrative Code of Illinois.

8 (c) (Blank) ~~The Department shall deny a license or renewal~~
9 ~~authorized by this Act to a person who has defaulted on an~~
10 ~~educational loan or scholarship provided or guaranteed by the~~
11 ~~Illinois Student Assistance Commission or any governmental~~
12 ~~agency of this State in accordance with item (5) of subsection~~
13 ~~(a) of Section 2105-15 of the Civil Administrative Code of~~
14 ~~Illinois.~~

15 (d) In cases where the Department of Healthcare and Family
16 Services (formerly Department of Public Aid) has previously
17 determined that a licensee or a potential licensee is more than
18 30 days delinquent in the payment of child support and has
19 subsequently certified the delinquency to the Department may
20 refuse to issue or renew or may revoke or suspend that person's
21 license or may take other disciplinary action against that
22 person based solely upon the certification of delinquency made
23 by the Department of Healthcare and Family Services in
24 accordance with item (5) of subsection (a) of Section 2105-15
25 of the Civil Administrative Code of Illinois.

26 (e) In enforcing this Section, the Department or Board upon

1 a showing of a possible violation may compel an individual
2 licensed to practice under this Act, or who has applied for
3 licensure under this Act, to submit to a mental or physical
4 examination, or both, as required by and at the expense of the
5 Department. The Department or Board may order the examining
6 physician to present testimony concerning the mental or
7 physical examination of the licensee or applicant. No
8 information shall be excluded by reason of any common law or
9 statutory privilege relating to communications between the
10 licensee or applicant and the examining physician. The
11 examining physicians shall be specifically designated by the
12 Board or Department. The individual to be examined may have, at
13 his or her own expense, another physician of his or her choice
14 present during all aspects of this examination. Failure of an
15 individual to submit to a mental or physical examination, when
16 directed, shall be grounds for suspension of his or her license
17 until the individual submits to the examination if the
18 Department finds, after notice and hearing, that the refusal to
19 submit to the examination was without reasonable cause.

20 If the Department or Board finds an individual unable to
21 practice because of the reasons set forth in this Section, the
22 Department or Board may require that individual to submit to
23 care, counseling, or treatment by physicians approved or
24 designated by the Department or Board, as a condition, term, or
25 restriction for continued, reinstated, or renewed licensure to
26 practice; or, in lieu of care, counseling, or treatment, the

1 Department may file, or the Board may recommend to the
2 Department to file, a complaint to immediately suspend, revoke,
3 or otherwise discipline the license of the individual. An
4 individual whose license was granted, continued, reinstated,
5 renewed, disciplined or supervised subject to such terms,
6 conditions, or restrictions, and who fails to comply with such
7 terms, conditions, or restrictions, shall be referred to the
8 Secretary for a determination as to whether the individual
9 shall have his or her license suspended immediately, pending a
10 hearing by the Department.

11 In instances in which the Secretary immediately suspends a
12 person's license under this Section, a hearing on that person's
13 license must be convened by the Department within 30 days after
14 the suspension and completed without appreciable delay. The
15 Department and Board shall have the authority to review the
16 subject individual's record of treatment and counseling
17 regarding the impairment to the extent permitted by applicable
18 federal statutes and regulations safeguarding the
19 confidentiality of medical records.

20 An individual licensed under this Act and affected under
21 this Section shall be afforded an opportunity to demonstrate to
22 the Department or Board that he or she can resume practice in
23 compliance with acceptable and prevailing standards under the
24 provisions of his or her license.

25 (Source: P.A. 97-813, eff. 7-13-12; 97-1002, eff. 8-17-12;
26 98-553, eff. 1-1-14; 98-756, eff. 7-16-14.)

1 (225 ILCS 458/15-45 rep.)

2 Section 180. The Real Estate Appraiser Licensing Act of
3 2002 is amended by repealing Section 15-45.

4 Section 185. The Radon Industry Licensing Act is amended by
5 changing Section 45 as follows:

6 (420 ILCS 44/45)

7 Sec. 45. Grounds for disciplinary action. The Agency may
8 refuse to issue or to renew, or may revoke, suspend, or take
9 other disciplinary action as the Agency may deem proper,
10 including fines not to exceed \$1,000 for each violation, with
11 regard to any license for any one or combination of the
12 following causes:

13 (a) Violation of this Act or its rules.

14 (b) Conviction of a crime under the laws of any United
15 States jurisdiction that is a felony or of any crime that
16 directly relates to the practice of detecting or reducing
17 the presence of radon or radon progeny.

18 (c) Making a misrepresentation for the purpose of
19 obtaining a license.

20 (d) Professional incompetence or gross negligence in
21 the practice of detecting or reducing the presence of radon
22 or radon progeny.

23 (e) Gross malpractice, prima facie evidence of which

1 may be a conviction or judgment of malpractice in a court
2 of competent jurisdiction.

3 (f) Aiding or assisting another person in violating a
4 provision of this Act or its rules.

5 (g) Failing, within 60 days, to provide information in
6 response to a written request made by the Agency that has
7 been sent by mail to the licensee's last known address.

8 (h) Engaging in dishonorable, unethical, or
9 unprofessional conduct of a character likely to deceive,
10 defraud, or harm the public.

11 (i) Habitual or excessive use or addiction to alcohol,
12 narcotics, stimulants, or any other chemical agent or drug
13 that results in the inability to practice with reasonable
14 judgment, skill, or safety.

15 (j) Discipline by another United States jurisdiction
16 or foreign nation, if at least one of the grounds for the
17 discipline is the same or substantially equivalent to those
18 set forth in this Section.

19 (k) Directly or indirectly giving to or receiving from
20 a person any fee, commission, rebate, or other form of
21 compensation for a professional service not actually or
22 personally rendered.

23 (l) A finding by the Agency that the licensee has
24 violated the terms of a license.

25 (m) Conviction by a court of competent jurisdiction,
26 either within or outside of this State, of a violation of a

1 law governing the practice of detecting or reducing the
2 presence of radon or radon progeny if the Agency determines
3 after investigation that the person has not been
4 sufficiently rehabilitated to warrant the public trust.

5 (n) A finding by the Agency that a license has been
6 applied for or obtained by fraudulent means.

7 (o) Practicing or attempting to practice under a name
8 other than the full name as shown on the license or any
9 other authorized name.

10 (p) Gross and willful overcharging for professional
11 services, including filing false statements for collection
12 of fees or moneys for which services are not rendered.

13 (q) Failure to file a return or to pay the tax,
14 penalty, or interest shown in a filed return, or to pay any
15 final assessment of tax, penalty, or interest, as required
16 by a tax Act administered by the Department of Revenue,
17 until such time as the requirements of any such tax Act are
18 satisfied.

19 (r) (Blank) ~~Failure to repay educational loans~~
20 ~~guaranteed by the Illinois Student Assistance Commission,~~
21 ~~as provided in Section 80 of the Nuclear Safety Law of~~
22 ~~2004. However, the Agency may issue an original or renewal~~
23 ~~license if the person in default has established a~~
24 ~~satisfactory repayment record as determined by the~~
25 ~~Illinois Student Assistance Commission.~~

26 (s) Failure to meet child support orders, as provided

1 in Section 10-65 of the Illinois Administrative Procedure
2 Act.

3 (t) Failure to pay a fee or civil penalty properly
4 assessed by the Agency.

5 (Source: P.A. 94-369, eff. 7-29-05.)

6 Section 190. The Attorney Act is amended by changing
7 Section 1 as follows:

8 (705 ILCS 205/1) (from Ch. 13, par. 1)

9 Sec. 1. No person shall be permitted to practice as an
10 attorney or counselor at law within this State without having
11 previously obtained a license for that purpose from the Supreme
12 Court of this State.

13 No person shall receive any compensation directly or
14 indirectly for any legal services other than a regularly
15 licensed attorney, nor may an unlicensed person advertise or
16 hold himself or herself out to provide legal services.

17 A license, as provided for herein, constitutes the person
18 receiving the same an attorney and counselor at law, according
19 to the law and customs thereof, for and during his good
20 behavior in the practice and authorizes him to demand and
21 receive fees for any services which he may render as an
22 attorney and counselor at law in this State. ~~No person shall be
23 granted a license or renewal authorized by this Act who has
24 defaulted on an educational loan guaranteed by the Illinois~~

1 ~~Student Assistance Commission; however, a license or renewal~~
2 ~~may be issued to the aforementioned persons who have~~
3 ~~established a satisfactory repayment record as determined by~~
4 ~~the Illinois Student Assistance Commission.~~ No person shall be
5 granted a license or renewal authorized by this Act who is more
6 than 30 days delinquent in complying with a child support
7 order; a license or renewal may be issued, however, if the
8 person has established a satisfactory repayment record as
9 determined (i) by the Department of Healthcare and Family
10 Services (formerly Illinois Department of Public Aid) for cases
11 being enforced under Article X of the Illinois Public Aid Code
12 or (ii) in all other cases by order of court or by written
13 agreement between the custodial parent and non-custodial
14 parent. No person shall be refused a license under this Act on
15 account of sex.

16 Any person practicing, charging or receiving fees for legal
17 services or advertising or holding himself or herself out to
18 provide legal services within this State, either directly or
19 indirectly, without being licensed to practice as herein
20 required, is guilty of contempt of court and shall be punished
21 accordingly, upon complaint being filed in any Circuit Court of
22 this State. The remedies available include, but are not limited
23 to: (i) appropriate equitable relief; (ii) a civil penalty not
24 to exceed \$5,000, which shall be paid to the Illinois Equal
25 Justice Foundation; and (iii) actual damages. Such proceedings
26 shall be conducted in the Courts of the respective counties

1 where the alleged contempt has been committed in the same
2 manner as in cases of indirect contempt and with the right of
3 review by the parties thereto.

4 The provisions of this Act shall be in addition to other
5 remedies permitted by law and shall not be construed to deprive
6 courts of this State of their inherent right to punish for
7 contempt or to restrain the unauthorized practice of law.

8 Nothing in this Act shall be construed to conflict with,
9 amend, or modify Section 5 of the Corporation Practice of Law
10 Prohibition Act or prohibit representation of a party by a
11 person who is not an attorney in a proceeding before either
12 panel of the Illinois Labor Relations Board under the Illinois
13 Public Labor Relations Act, as now or hereafter amended, the
14 Illinois Educational Labor Relations Board under the Illinois
15 Educational Labor Relations Act, as now or hereafter amended,
16 the State Civil Service Commission, the local Civil Service
17 Commissions, or the University Civil Service Merit Board, to
18 the extent allowed pursuant to rules and regulations
19 promulgated by those Boards and Commissions or the giving of
20 information, training, or advocacy or assistance in any
21 meetings or administrative proceedings held pursuant to the
22 federal Individuals with Disabilities Education Act, the
23 federal Rehabilitation Act of 1973, the federal Americans with
24 Disabilities Act of 1990, or the federal Social Security Act,
25 to the extent allowed by those laws or the federal regulations
26 or State statutes implementing those laws.

1 (Source: P.A. 94-659, eff. 1-1-06; 95-331, eff. 8-21-07;
2 95-410, eff. 8-24-07.)

3 Section 195. The Illinois Securities Law of 1953 is amended
4 by changing Section 8 as follows:

5 (815 ILCS 5/8) (from Ch. 121 1/2, par. 137.8)

6 Sec. 8. Registration of dealers, limited Canadian dealers,
7 salespersons, investment advisers, and investment adviser
8 representatives.

9 A. Except as otherwise provided in this subsection A, every
10 dealer, limited Canadian dealer, salesperson, investment
11 adviser, and investment adviser representative shall be
12 registered as such with the Secretary of State. No dealer or
13 salesperson need be registered as such when offering or selling
14 securities in transactions exempted by subsection A, B, C, D,
15 E, G, H, I, J, K, M, O, P, Q, R or S of Section 4 of this Act,
16 provided that such dealer or salesperson is not regularly
17 engaged in the business of offering or selling securities in
18 reliance upon the exemption set forth in subsection G or M of
19 Section 4 of this Act. No dealer, issuer or controlling person
20 shall employ a salesperson unless such salesperson is
21 registered as such with the Secretary of State or is employed
22 for the purpose of offering or selling securities solely in
23 transactions exempted by subsection A, B, C, D, E, G, H, I, J,

1 K, L, M, O, P, Q, R or S of Section 4 of this Act; provided that
2 such salesperson need not be registered when effecting
3 transactions in this State limited to those transactions
4 described in Section 15(h)(2) of the Federal 1934 Act or
5 engaging in the offer or sale of securities in respect of which
6 he or she has beneficial ownership and is a controlling person.
7 The Secretary of State may, by rule, regulation or order and
8 subject to such terms, conditions, and fees as may be
9 prescribed in such rule, regulation or order, exempt from the
10 registration requirements of this Section 8 any investment
11 adviser, if the Secretary of State shall find that such
12 registration is not necessary in the public interest by reason
13 of the small number of clients or otherwise limited character
14 of operation of such investment adviser.

15 B. An application for registration as a dealer or limited
16 Canadian dealer, executed, verified, or authenticated by or on
17 behalf of the applicant, shall be filed with the Secretary of
18 State, in such form as the Secretary of State may by rule,
19 regulation or order prescribe, setting forth or accompanied by:

20 (1) The name and address of the applicant, the location
21 of its principal business office and all branch offices, if
22 any, and the date of its organization;

23 (2) A statement of any other Federal or state licenses
24 or registrations which have been granted the applicant and
25 whether any such licenses or registrations have ever been

1 refused, cancelled, suspended, revoked or withdrawn;

2 (3) The assets and all liabilities, including
3 contingent liabilities of the applicant, as of a date not
4 more than 60 days prior to the filing of the application;

5 (4) (a) A brief description of any civil or criminal
6 proceeding of which fraud is an essential element pending
7 against the applicant and whether the applicant has ever
8 been convicted of a felony, or of any misdemeanor of which
9 fraud is an essential element;

10 (b) A list setting forth the name, residence and
11 business address and a 10 year occupational statement of
12 each principal of the applicant and a statement describing
13 briefly any civil or criminal proceedings of which fraud is
14 an essential element pending against any such principal and
15 the facts concerning any conviction of any such principal
16 of a felony, or of any misdemeanor of which fraud is an
17 essential element;

18 (5) If the applicant is a corporation: a list of its
19 officers and directors setting forth the residence and
20 business address of each; a 10-year occupational statement
21 of each such officer or director; and a statement
22 describing briefly any civil or criminal proceedings of
23 which fraud is an essential element pending against each
24 such officer or director and the facts concerning any
25 conviction of any officer or director of a felony, or of
26 any misdemeanor of which fraud is an essential element;

1 (6) If the applicant is a sole proprietorship, a
2 partnership, limited liability company, an unincorporated
3 association or any similar form of business organization:
4 the name, residence and business address of the proprietor
5 or of each partner, member, officer, director, trustee or
6 manager; the limitations, if any, of the liability of each
7 such individual; a 10-year occupational statement of each
8 such individual; a statement describing briefly any civil
9 or criminal proceedings of which fraud is an essential
10 element pending against each such individual and the facts
11 concerning any conviction of any such individual of a
12 felony, or of any misdemeanor of which fraud is an
13 essential element;

14 (7) Such additional information as the Secretary of
15 State may by rule or regulation prescribe as necessary to
16 determine the applicant's financial responsibility,
17 business repute and qualification to act as a dealer.

18 (8) (a) No applicant shall be registered or
19 re-registered as a dealer or limited Canadian dealer under
20 this Section unless and until each principal of the dealer
21 has passed an examination conducted by the Secretary of
22 State or a self-regulatory organization of securities
23 dealers or similar person, which examination has been
24 designated by the Secretary of State by rule, regulation or
25 order to be satisfactory for purposes of determining
26 whether the applicant has sufficient knowledge of the

1 securities business and laws relating thereto to act as a
2 registered dealer. Any dealer who was registered on
3 September 30, 1963, and has continued to be so registered;
4 and any principal of any registered dealer, who was acting
5 in such capacity on and continuously since September 30,
6 1963; and any individual who has previously passed a
7 securities dealer examination administered by the
8 Secretary of State or any examination designated by the
9 Secretary of State to be satisfactory for purposes of
10 determining whether the applicant has sufficient knowledge
11 of the securities business and laws relating thereto to act
12 as a registered dealer by rule, regulation or order, shall
13 not be required to pass an examination in order to continue
14 to act in such capacity. The Secretary of State may by
15 order waive the examination requirement for any principal
16 of an applicant for registration under this subsection B
17 who has had such experience or education relating to the
18 securities business as may be determined by the Secretary
19 of State to be the equivalent of such examination. Any
20 request for such a waiver shall be filed with the Secretary
21 of State in such form as may be prescribed by rule or
22 regulation.

23 (b) Unless an applicant is a member of the body
24 corporate known as the Securities Investor Protection
25 Corporation established pursuant to the Act of Congress of
26 the United States known as the Securities Investor

1 Protection Act of 1970, as amended, a member of an
2 association of dealers registered as a national securities
3 association pursuant to Section 15A of the Federal 1934
4 Act, or a member of a self-regulatory organization or stock
5 exchange in Canada which the Secretary of State has
6 designated by rule or order, an applicant shall not be
7 registered or re-registered unless and until there is filed
8 with the Secretary of State evidence that such applicant
9 has in effect insurance or other equivalent protection for
10 each client's cash or securities held by such applicant,
11 and an undertaking that such applicant will continually
12 maintain such insurance or other protection during the
13 period of registration or re-registration. Such insurance
14 or other protection shall be in a form and amount
15 reasonably prescribed by the Secretary of State by rule or
16 regulation.

17 (9) The application for the registration of a dealer or
18 limited Canadian dealer shall be accompanied by a filing
19 fee and a fee for each branch office in this State, in each
20 case in the amount established pursuant to Section 11a of
21 this Act, which fees shall not be returnable in any event.

22 (10) The Secretary of State shall notify the dealer or
23 limited Canadian dealer by written notice (which may be by
24 electronic or facsimile transmission) of the effectiveness
25 of the registration as a dealer in this State.

26 (11) Any change which renders no longer accurate any

1 information contained in any application for registration
2 or re-registration of a dealer or limited Canadian dealer
3 shall be reported to the Secretary of State within 10
4 business days after the occurrence of such change; but in
5 respect to assets and liabilities only materially adverse
6 changes need be reported.

7 C. Any registered dealer, limited Canadian dealer, issuer,
8 or controlling person desiring to register a salesperson shall
9 file an application with the Secretary of State, in such form
10 as the Secretary of State may by rule or regulation prescribe,
11 which the salesperson is required by this Section to provide to
12 the dealer, issuer, or controlling person, executed, verified,
13 or authenticated by the salesperson setting forth or
14 accompanied by:

15 (1) the name, residence and business address of the
16 salesperson;

17 (2) whether any federal or State license or
18 registration as dealer, limited Canadian dealer, or
19 salesperson has ever been refused the salesperson or
20 cancelled, suspended, revoked, withdrawn, barred, limited,
21 or otherwise adversely affected in a similar manner or
22 whether the salesperson has ever been censured or expelled;

23 (3) the nature of employment with, and names and
24 addresses of, employers of the salesperson for the 10 years
25 immediately preceding the date of application;

1 (4) a brief description of any civil or criminal
2 proceedings of which fraud is an essential element pending
3 against the salesperson, and whether the salesperson has
4 ever been convicted of a felony, or of any misdemeanor of
5 which fraud is an essential element;

6 (5) such additional information as the Secretary of
7 State may by rule, regulation or order prescribe as
8 necessary to determine the salesperson's business repute
9 and qualification to act as a salesperson; and

10 (6) no individual shall be registered or re-registered
11 as a salesperson under this Section unless and until such
12 individual has passed an examination conducted by the
13 Secretary of State or a self-regulatory organization of
14 securities dealers or similar person, which examination
15 has been designated by the Secretary of State by rule,
16 regulation or order to be satisfactory for purposes of
17 determining whether the applicant has sufficient knowledge
18 of the securities business and laws relating thereto to act
19 as a registered salesperson.

20 Any salesperson who was registered prior to September
21 30, 1963, and has continued to be so registered, and any
22 individual who has passed a securities salesperson
23 examination administered by the Secretary of State or an
24 examination designated by the Secretary of State by rule,
25 regulation or order to be satisfactory for purposes of
26 determining whether the applicant has sufficient knowledge

1 of the securities business and laws relating thereto to act
2 as a registered salesperson, shall not be required to pass
3 an examination in order to continue to act as a
4 salesperson. The Secretary of State may by order waive the
5 examination requirement for any applicant for registration
6 under this subsection C who has had such experience or
7 education relating to the securities business as may be
8 determined by the Secretary of State to be the equivalent
9 of such examination. Any request for such a waiver shall be
10 filed with the Secretary of State in such form as may be
11 prescribed by rule, regulation or order.

12 (7) The application for registration of a salesperson
13 shall be accompanied by a filing fee and a Securities Audit
14 and Enforcement Fund fee, each in the amount established
15 pursuant to Section 11a of this Act, which shall not be
16 returnable in any event.

17 (8) Any change which renders no longer accurate any
18 information contained in any application for registration
19 or re-registration as a salesperson shall be reported to
20 the Secretary of State within 10 business days after the
21 occurrence of such change. If the activities are terminated
22 which rendered an individual a salesperson for the dealer,
23 issuer or controlling person, the dealer, issuer or
24 controlling person, as the case may be, shall notify the
25 Secretary of State, in writing, within 30 days of the
26 salesperson's cessation of activities, using the

1 appropriate termination notice form.

2 (9) A registered salesperson may transfer his or her
3 registration under this Section 8 for the unexpired term
4 thereof from one registered dealer or limited Canadian
5 dealer to another by the giving of notice of the transfer
6 by the new registered dealer or limited Canadian dealer to
7 the Secretary of State in such form and subject to such
8 conditions as the Secretary of State shall by rule or
9 regulation prescribe. The new registered dealer or limited
10 Canadian dealer shall promptly file an application for
11 registration of such salesperson as provided in this
12 subsection C, accompanied by the filing fee prescribed by
13 paragraph (7) of this subsection C.

14 C-5. Except with respect to federal covered investment
15 advisers whose only clients are investment companies as defined
16 in the Federal 1940 Act, other investment advisers, federal
17 covered investment advisers, or any similar person which the
18 Secretary of State may prescribe by rule or order, a federal
19 covered investment adviser shall file with the Secretary of
20 State, prior to acting as a federal covered investment adviser
21 in this State, such documents as have been filed with the
22 Securities and Exchange Commission as the Secretary of State by
23 rule or order may prescribe. The notification of a federal
24 covered investment adviser shall be accompanied by a
25 notification filing fee established pursuant to Section 11a of

1 this Act, which shall not be returnable in any event. Every
2 person acting as a federal covered investment adviser in this
3 State shall file a notification filing and pay an annual
4 notification filing fee established pursuant to Section 11a of
5 this Act, which is not returnable in any event. The failure to
6 file any such notification shall constitute a violation of
7 subsection D of Section 12 of this Act, subject to the
8 penalties enumerated in Section 14 of this Act. Until October
9 10, 1999 or other date as may be legally permissible, a federal
10 covered investment adviser who fails to file the notification
11 or refuses to pay the fees as required by this subsection shall
12 register as an investment adviser with the Secretary of State
13 under Section 8 of this Act. The civil remedies provided for in
14 subsection A of Section 13 of this Act and the civil remedies
15 of rescission and appointment of receiver, conservator,
16 ancillary receiver, or ancillary conservator provided for in
17 subsection F of Section 13 of this Act shall not be available
18 against any person by reason of the failure to file any such
19 notification or to pay the notification fee or on account of
20 the contents of any such notification.

21 D. An application for registration as an investment
22 adviser, executed, verified, or authenticated by or on behalf
23 of the applicant, shall be filed with the Secretary of State,
24 in such form as the Secretary of State may by rule or
25 regulation prescribe, setting forth or accompanied by:

1 (1) The name and form of organization under which the
2 investment adviser engages or intends to engage in
3 business; the state or country and date of its
4 organization; the location of the adviser's principal
5 business office and branch offices, if any; the names and
6 addresses of the adviser's principal, partners, officers,
7 directors, and persons performing similar functions or, if
8 the investment adviser is an individual, of the individual;
9 and the number of the adviser's employees who perform
10 investment advisory functions;

11 (2) The education, the business affiliations for the
12 past 10 years, and the present business affiliations of the
13 investment adviser and of the adviser's principal,
14 partners, officers, directors, and persons performing
15 similar functions and of any person controlling the
16 investment adviser;

17 (3) The nature of the business of the investment
18 adviser, including the manner of giving advice and
19 rendering analyses or reports;

20 (4) The nature and scope of the authority of the
21 investment adviser with respect to clients' funds and
22 accounts;

23 (5) The basis or bases upon which the investment
24 adviser is compensated;

25 (6) Whether the investment adviser or any principal,
26 partner, officer, director, person performing similar

1 functions or person controlling the investment adviser (i)
2 within 10 years of the filing of the application has been
3 convicted of a felony, or of any misdemeanor of which fraud
4 is an essential element, or (ii) is permanently or
5 temporarily enjoined by order or judgment from acting as an
6 investment adviser, underwriter, dealer, principal or
7 salesperson, or from engaging in or continuing any conduct
8 or practice in connection with any such activity or in
9 connection with the purchase or sale of any security, and
10 in each case the facts relating to the conviction, order or
11 judgment;

12 (7) (a) A statement as to whether the investment
13 adviser is engaged or is to engage primarily in the
14 business of rendering investment supervisory services; and

15 (b) A statement that the investment adviser will
16 furnish his, her, or its clients with such information as
17 the Secretary of State deems necessary in the form
18 prescribed by the Secretary of State by rule or regulation;

19 (8) Such additional information as the Secretary of
20 State may, by rule, regulation or order prescribe as
21 necessary to determine the applicant's financial
22 responsibility, business repute and qualification to act
23 as an investment adviser.

24 (9) No applicant shall be registered or re-registered
25 as an investment adviser under this Section unless and
26 until each principal of the applicant who is actively

1 engaged in the conduct and management of the applicant's
2 advisory business in this State has passed an examination
3 or completed an educational program conducted by the
4 Secretary of State or an association of investment advisers
5 or similar person, which examination or educational
6 program has been designated by the Secretary of State by
7 rule, regulation or order to be satisfactory for purposes
8 of determining whether the applicant has sufficient
9 knowledge of the securities business and laws relating
10 thereto to conduct the business of a registered investment
11 adviser.

12 Any person who was a registered investment adviser
13 prior to September 30, 1963, and has continued to be so
14 registered, and any individual who has passed an investment
15 adviser examination administered by the Secretary of
16 State, or passed an examination or completed an educational
17 program designated by the Secretary of State by rule,
18 regulation or order to be satisfactory for purposes of
19 determining whether the applicant has sufficient knowledge
20 of the securities business and laws relating thereto to
21 conduct the business of a registered investment adviser,
22 shall not be required to pass an examination or complete an
23 educational program in order to continue to act as an
24 investment adviser. The Secretary of State may by order
25 waive the examination or educational program requirement
26 for any applicant for registration under this subsection D

1 if the principal of the applicant who is actively engaged
2 in the conduct and management of the applicant's advisory
3 business in this State has had such experience or education
4 relating to the securities business as may be determined by
5 the Secretary of State to be the equivalent of the
6 examination or educational program. Any request for a
7 waiver shall be filed with the Secretary of State in such
8 form as may be prescribed by rule or regulation.

9 (10) No applicant shall be registered or re-registered
10 as an investment adviser under this Section 8 unless the
11 application for registration or re-registration is
12 accompanied by an application for registration or
13 re-registration for each person acting as an investment
14 adviser representative on behalf of the adviser and a
15 Securities Audit and Enforcement Fund fee that shall not be
16 returnable in any event is paid with respect to each
17 investment adviser representative.

18 (11) The application for registration of an investment
19 adviser shall be accompanied by a filing fee and a fee for
20 each branch office in this State, in each case in the
21 amount established pursuant to Section 11a of this Act,
22 which fees shall not be returnable in any event.

23 (12) The Secretary of State shall notify the investment
24 adviser by written notice (which may be by electronic or
25 facsimile transmission) of the effectiveness of the
26 registration as an investment adviser in this State.

1 (13) Any change which renders no longer accurate any
2 information contained in any application for registration
3 or re-registration of an investment adviser shall be
4 reported to the Secretary of State within 10 business days
5 after the occurrence of the change. In respect to assets
6 and liabilities of an investment adviser that retains
7 custody of clients' cash or securities or accepts
8 pre-payment of fees in excess of \$500 per client and 6 or
9 more months in advance only materially adverse changes need
10 be reported by written notice (which may be by electronic
11 or facsimile transmission) no later than the close of
12 business on the second business day following the discovery
13 thereof.

14 (14) Each application for registration as an
15 investment adviser shall become effective automatically on
16 the 45th day following the filing of the application,
17 required documents or information, and payment of the
18 required fee unless (i) the Secretary of State has
19 registered the investment adviser prior to that date or
20 (ii) an action with respect to the applicant is pending
21 under Section 11 of this Act.

22 D-5. A registered investment adviser or federal covered
23 investment adviser desiring to register an investment adviser
24 representative shall file an application with the Secretary of
25 State, in the form as the Secretary of State may by rule or

1 order prescribe, which the investment adviser representative
2 is required by this Section to provide to the investment
3 adviser, executed, verified, or authenticated by the
4 investment adviser representative and setting forth or
5 accompanied by:

6 (1) The name, residence, and business address of the
7 investment adviser representative;

8 (2) A statement whether any federal or state license or
9 registration as a dealer, salesperson, investment adviser,
10 or investment adviser representative has ever been
11 refused, canceled, suspended, revoked or withdrawn;

12 (3) The nature of employment with, and names and
13 addresses of, employers of the investment adviser
14 representative for the 10 years immediately preceding the
15 date of application;

16 (4) A brief description of any civil or criminal
17 proceedings, of which fraud is an essential element,
18 pending against the investment adviser representative and
19 whether the investment adviser representative has ever
20 been convicted of a felony or of any misdemeanor of which
21 fraud is an essential element;

22 (5) Such additional information as the Secretary of
23 State may by rule or order prescribe as necessary to
24 determine the investment adviser representative's business
25 repute or qualification to act as an investment adviser
26 representative;

1 (6) Documentation that the individual has passed an
2 examination conducted by the Secretary of State, an
3 organization of investment advisers, or similar person,
4 which examination has been designated by the Secretary of
5 State by rule or order to be satisfactory for purposes of
6 determining whether the applicant has sufficient knowledge
7 of the investment advisory or securities business and laws
8 relating to that business to act as a registered investment
9 adviser representative; and

10 (7) A Securities Audit and Enforcement Fund fee
11 established under Section 11a of this Act, which shall not
12 be returnable in any event.

13 The Secretary of State may by order waive the examination
14 requirement for an applicant for registration under this
15 subsection D-5 who has had the experience or education relating
16 to the investment advisory or securities business as may be
17 determined by the Secretary of State to be the equivalent of
18 the examination. A request for a waiver shall be filed with the
19 Secretary of State in the form as may be prescribed by rule or
20 order.

21 A change that renders no longer accurate any information
22 contained in any application for registration or
23 re-registration as an investment adviser representative must
24 be reported to the Secretary of State within 10 business days
25 after the occurrence of the change. If the activities that
26 rendered an individual an investment adviser representative

1 for the investment adviser are terminated, the investment
2 adviser shall notify the Secretary of State in writing (which
3 may be by electronic or facsimile transmission), within 30 days
4 of the investment adviser representative's termination, using
5 the appropriate termination notice form as the Secretary of
6 State may prescribe by rule or order.

7 A registered investment adviser representative may
8 transfer his or her registration under this Section 8 for the
9 unexpired term of the registration from one registered
10 investment adviser to another by the giving of notice of the
11 transfer by the new investment adviser to the Secretary of
12 State in the form and subject to the conditions as the
13 Secretary of State shall prescribe. The new registered
14 investment adviser shall promptly file an application for
15 registration of the investment adviser representative as
16 provided in this subsection, accompanied by the Securities
17 Audit and Enforcement Fund fee prescribed by paragraph (7) of
18 this subsection D-5.

19 E. (1) Subject to the provisions of subsection F of Section
20 11 of this Act, the registration of a dealer, limited Canadian
21 dealer, salesperson, investment adviser, or investment adviser
22 representative may be denied, suspended or revoked if the
23 Secretary of State finds that the dealer, limited Canadian
24 dealer, salesperson, investment adviser, or investment adviser
25 representative or any principal officer, director, partner,

1 member, trustee, manager or any person who performs a similar
2 function of the dealer, limited Canadian dealer, or investment
3 adviser:

4 (a) has been convicted of any felony during the 10 year
5 period preceding the date of filing of any application for
6 registration or at any time thereafter, or of any
7 misdemeanor of which fraud is an essential element;

8 (b) has engaged in any unethical practice in connection
9 with any security, or in any fraudulent business practice;

10 (c) has failed to account for any money or property, or
11 has failed to deliver any security, to any person entitled
12 thereto when due or within a reasonable time thereafter;

13 (d) in the case of a dealer, limited Canadian dealer,
14 or investment adviser, is insolvent;

15 (e) in the case of a dealer, limited Canadian dealer,
16 salesperson, or registered principal of a dealer or limited
17 Canadian dealer (i) has failed reasonably to supervise the
18 securities activities of any of its salespersons or other
19 employees and the failure has permitted or facilitated a
20 violation of Section 12 of this Act or (ii) is offering or
21 selling or has offered or sold securities in this State
22 through a salesperson other than a registered salesperson,
23 or, in the case of a salesperson, is selling or has sold
24 securities in this State for a dealer, limited Canadian
25 dealer, issuer or controlling person with knowledge that
26 the dealer, limited Canadian dealer, issuer or controlling

1 person has not complied with the provisions of this Act or
2 (iii) has failed reasonably to supervise the
3 implementation of compliance measures following notice by
4 the Secretary of State of noncompliance with the Act or
5 with the regulations promulgated thereunder or both or (iv)
6 has failed to maintain and enforce written procedures to
7 supervise the types of business in which it engages and to
8 supervise the activities of its salespersons that are
9 reasonably designed to achieve compliance with applicable
10 securities laws and regulations;

11 (f) in the case of an investment adviser, has failed
12 reasonably to supervise the advisory activities of any of
13 its investment adviser representatives or employees and
14 the failure has permitted or facilitated a violation of
15 Section 12 of this Act;

16 (g) has violated any of the provisions of this Act;

17 (h) has made any material misrepresentation to the
18 Secretary of State in connection with any information
19 deemed necessary by the Secretary of State to determine a
20 dealer's, limited Canadian dealer's, or investment
21 adviser's financial responsibility or a dealer's, limited
22 Canadian dealer's, investment adviser's, salesperson's, or
23 investment adviser representative's business repute or
24 qualifications, or has refused to furnish any such
25 information requested by the Secretary of State;

26 (i) has had a license or registration under any Federal

1 or State law regulating securities, commodity futures
2 contracts, or stock futures contracts refused, cancelled,
3 suspended, withdrawn, revoked, or otherwise adversely
4 affected in a similar manner;

5 (j) has had membership in or association with any
6 self-regulatory organization registered under the Federal
7 1934 Act or the Federal 1974 Act suspended, revoked,
8 refused, expelled, cancelled, barred, limited in any
9 capacity, or otherwise adversely affected in a similar
10 manner arising from any fraudulent or deceptive act or a
11 practice in violation of any rule, regulation or standard
12 duly promulgated by the self-regulatory organization;

13 (k) has had any order entered against it after notice
14 and opportunity for hearing by a securities agency of any
15 state, any foreign government or agency thereof, the
16 Securities and Exchange Commission, or the Federal
17 Commodities Futures Trading Commission arising from any
18 fraudulent or deceptive act or a practice in violation of
19 any statute, rule or regulation administered or
20 promulgated by the agency or commission;

21 (l) in the case of a dealer or limited Canadian dealer,
22 fails to maintain a minimum net capital in an amount which
23 the Secretary of State may by rule or regulation require;

24 (m) has conducted a continuing course of dealing of
25 such nature as to demonstrate an inability to properly
26 conduct the business of the dealer, limited Canadian

1 dealer, salesperson, investment adviser, or investment
2 adviser representative;

3 (n) has had, after notice and opportunity for hearing,
4 any injunction or order entered against it or license or
5 registration refused, cancelled, suspended, revoked,
6 withdrawn, limited, or otherwise adversely affected in a
7 similar manner by any state or federal body, agency or
8 commission regulating banking, insurance, finance or small
9 loan companies, real estate or mortgage brokers or
10 companies, if the action resulted from any act found by the
11 body, agency or commission to be a fraudulent or deceptive
12 act or practice in violation of any statute, rule or
13 regulation administered or promulgated by the body, agency
14 or commission;

15 (o) has failed to file a return, or to pay the tax,
16 penalty or interest shown in a filed return, or to pay any
17 final assessment of tax, penalty or interest, as required
18 by any tax Act administered by the Illinois Department of
19 Revenue, until such time as the requirements of that tax
20 Act are satisfied;

21 (p) (blank) ~~in the case of a natural person who is a~~
22 ~~dealer, limited Canadian dealer, salesperson, investment~~
23 ~~adviser, or investment adviser representative, has~~
24 ~~defaulted on an educational loan guaranteed by the Illinois~~
25 ~~Student Assistance Commission, until the natural person~~
26 ~~has established a satisfactory repayment record as~~

1 ~~determined by the Illinois Student Assistance Commission;~~

2 (q) has failed to maintain the books and records
3 required under this Act or rules or regulations promulgated
4 under this Act or under any requirements established by the
5 Securities and Exchange Commission or a self-regulatory
6 organization;

7 (r) has refused to allow or otherwise impeded designees
8 of the Secretary of State from conducting an audit,
9 examination, inspection, or investigation provided for
10 under Section 8 or 11 of this Act;

11 (s) has failed to maintain any minimum net capital or
12 bond requirement set forth in this Act or any rule or
13 regulation promulgated under this Act;

14 (t) has refused the Secretary of State or his or her
15 designee access to any office or location within an office
16 to conduct an investigation, audit, examination, or
17 inspection;

18 (u) has advised or caused a public pension fund or
19 retirement system established under the Illinois Pension
20 Code to make an investment or engage in a transaction not
21 authorized by that Code;

22 (v) if a corporation, limited liability company, or
23 limited liability partnership has been suspended,
24 canceled, revoked, or has failed to register as a foreign
25 corporation, limited liability company, or limited
26 liability partnership with the Secretary of State;

1 (w) is permanently or temporarily enjoined by any court
2 of competent jurisdiction, including any state, federal,
3 or foreign government, from engaging in or continuing any
4 conduct or practice involving any aspect of the securities
5 or commodities business or in any other business where the
6 conduct or practice enjoined involved investments,
7 franchises, insurance, banking, or finance;

8 (2) If the Secretary of State finds that any registrant or
9 applicant for registration is no longer in existence or has
10 ceased to do business as a dealer, limited Canadian dealer,
11 salesperson, investment adviser, or investment adviser
12 representative, or is subject to an adjudication as a person
13 under legal disability or to the control of a guardian, or
14 cannot be located after reasonable search, or has failed after
15 written notice to pay to the Secretary of State any additional
16 fee prescribed by this Section or specified by rule or
17 regulation, ~~or if a natural person, has defaulted on an~~
18 ~~educational loan guaranteed by the Illinois Student Assistance~~
19 ~~Commission,~~ the Secretary of State may by order cancel the
20 registration or application.

21 (3) Withdrawal of an application for registration or
22 withdrawal from registration as a dealer, limited Canadian
23 dealer, salesperson, investment adviser, or investment adviser
24 representative becomes effective 30 days after receipt of an
25 application to withdraw or within such shorter period of time
26 as the Secretary of State may determine, unless any proceeding

1 is pending under Section 11 of this Act when the application is
2 filed or a proceeding is instituted within 30 days after the
3 application is filed. If a proceeding is pending or instituted,
4 withdrawal becomes effective at such time and upon such
5 conditions as the Secretary of State by order determines. If no
6 proceeding is pending or instituted and withdrawal
7 automatically becomes effective, the Secretary of State may
8 nevertheless institute a revocation or suspension proceeding
9 within 2 years after withdrawal became effective and enter a
10 revocation or suspension order as of the last date on which
11 registration was effective.

12 F. The Secretary of State shall make available upon request
13 the date that each dealer, investment adviser, salesperson, or
14 investment adviser representative was granted registration,
15 together with the name and address of the dealer, limited
16 Canadian dealer, or issuer on whose behalf the salesperson is
17 registered, and all orders of the Secretary of State denying or
18 abandoning an application, or suspending or revoking
19 registration, or censuring the persons. The Secretary of State
20 may designate by rule, regulation or order the statements,
21 information or reports submitted to or filed with him or her
22 pursuant to this Section 8 which the Secretary of State
23 determines are of a sensitive nature and therefore should be
24 exempt from public disclosure. Any such statement, information
25 or report shall be deemed confidential and shall not be

1 disclosed to the public except upon the consent of the person
2 filing or submitting the statement, information or report or by
3 order of court or in court proceedings.

4 G. The registration or re-registration of a dealer or
5 limited Canadian dealer and of all salespersons registered upon
6 application of the dealer or limited Canadian dealer shall
7 expire on the next succeeding anniversary date of the
8 registration or re-registration of the dealer; and the
9 registration or re-registration of an investment adviser and of
10 all investment adviser representatives registered upon
11 application of the investment adviser shall expire on the next
12 succeeding anniversary date of the registration of the
13 investment adviser; provided, that the Secretary of State may
14 by rule or regulation prescribe an alternate date which any
15 dealer registered under the Federal 1934 Act or a member of any
16 self-regulatory association approved pursuant thereto, a
17 member of a self-regulatory organization or stock exchange in
18 Canada, or any investment adviser may elect as the expiration
19 date of its dealer or limited Canadian dealer and salesperson
20 registrations, or the expiration date of its investment adviser
21 registration, as the case may be. A registration of a
22 salesperson registered upon application of an issuer or
23 controlling person shall expire on the next succeeding
24 anniversary date of the registration, or upon termination or
25 expiration of the registration of the securities, if any,

1 designated in the application for his or her registration or
2 the alternative date as the Secretary may prescribe by rule or
3 regulation. Subject to paragraph (9) of subsection C of this
4 Section 8, a salesperson's registration also shall terminate
5 upon cessation of his or her employment, or termination of his
6 or her appointment or authorization, in each case by the person
7 who applied for the salesperson's registration, provided that
8 the Secretary of State may by rule or regulation prescribe an
9 alternate date for the expiration of the registration.

10 H. Applications for re-registration of dealers, limited
11 Canadian dealers, salespersons, investment advisers, and
12 investment adviser representatives shall be filed with the
13 Secretary of State prior to the expiration of the then current
14 registration and shall contain such information as may be
15 required by the Secretary of State upon initial application
16 with such omission therefrom or addition thereto as the
17 Secretary of State may authorize or prescribe. Each application
18 for re-registration of a dealer, limited Canadian dealer, or
19 investment adviser shall be accompanied by a filing fee, each
20 application for re-registration as a salesperson shall be
21 accompanied by a filing fee and a Securities Audit and
22 Enforcement Fund fee established pursuant to Section 11a of
23 this Act, and each application for re-registration as an
24 investment adviser representative shall be accompanied by a
25 Securities Audit and Enforcement Fund fee established under

1 Section 11a of this Act, which shall not be returnable in any
2 event. Notwithstanding the foregoing, applications for
3 re-registration of dealers, limited Canadian dealers, and
4 investment advisers may be filed within 30 days following the
5 expiration of the registration provided that the applicant pays
6 the annual registration fee together with an additional amount
7 equal to the annual registration fee and files any other
8 information or documents that the Secretary of State may
9 prescribe by rule or regulation or order. Any application filed
10 within 30 days following the expiration of the registration
11 shall be automatically effective as of the time of the earlier
12 expiration provided that the proper fee has been paid to the
13 Secretary of State.

14 Each registered dealer, limited Canadian dealer, or
15 investment adviser shall continue to be registered if the
16 registrant changes his, her, or its form of organization
17 provided that the dealer or investment adviser files an
18 amendment to his, her, or its application not later than 30
19 days following the occurrence of the change and pays the
20 Secretary of State a fee in the amount established under
21 Section 11a of this Act.

22 I. (1) Every registered dealer, limited Canadian dealer,
23 and investment adviser shall make and keep for such periods,
24 such accounts, correspondence, memoranda, papers, books and
25 records as the Secretary of State may by rule or regulation

1 prescribe. All records so required shall be preserved for 3
2 years unless the Secretary of State by rule, regulation or
3 order prescribes otherwise for particular types of records.

4 (2) Every registered dealer, limited Canadian dealer, and
5 investment adviser shall file such financial reports as the
6 Secretary of State may by rule or regulation prescribe.

7 (3) All the books and records referred to in paragraph (1)
8 of this subsection I are subject at any time or from time to
9 time to such reasonable periodic, special or other audits,
10 examinations, or inspections by representatives of the
11 Secretary of State, within or without this State, as the
12 Secretary of State deems necessary or appropriate in the public
13 interest or for the protection of investors.

14 (4) At the time of an audit, examination, or inspection,
15 the Secretary of State, by his or her designees, may conduct an
16 interview of any person employed or appointed by or affiliated
17 with a registered dealer, limited Canadian dealer, or
18 investment advisor, provided that the dealer, limited Canadian
19 dealer, or investment advisor shall be given reasonable notice
20 of the time and place for the interview. At the option of the
21 dealer, limited Canadian dealer, or investment advisor, a
22 representative of the dealer or investment advisor with
23 supervisory responsibility over the individual being
24 interviewed may be present at the interview.

25 J. The Secretary of State may require by rule or regulation

1 the payment of an additional fee for the filing of information
2 or documents required to be filed by this Section which have
3 not been filed in a timely manner. The Secretary of State may
4 also require by rule or regulation the payment of an
5 examination fee for administering any examination which it may
6 conduct pursuant to subsection B, C, D, or D-5 of this Section
7 8.

8 K. The Secretary of State may declare any application for
9 registration or limited registration under this Section 8
10 abandoned by order if the applicant fails to pay any fee or
11 file any information or document required under this Section 8
12 or by rule or regulation for more than 30 days after the
13 required payment or filing date. The applicant may petition the
14 Secretary of State for a hearing within 15 days after the
15 applicant's receipt of the order of abandonment, provided that
16 the petition sets forth the grounds upon which the applicant
17 seeks a hearing.

18 L. Any document being filed pursuant to this Section 8
19 shall be deemed filed, and any fee being paid pursuant to this
20 Section 8 shall be deemed paid, upon the date of actual receipt
21 thereof by the Secretary of State or his or her designee.

22 M. The Secretary of State shall provide to the Illinois
23 Student Assistance Commission annually or at mutually agreed

1 periodic intervals the names and social security numbers of
2 natural persons registered under subsections B, C, D, and D-5
3 of this Section. The Illinois Student Assistance Commission
4 shall determine if any student loan defaulter is registered as
5 a dealer, limited Canadian dealer, salesperson, or investment
6 adviser under this Act and report its determination to the
7 Secretary of State or his or her designee.

8 (Source: P.A. 92-308, eff. 1-1-02; 93-580, eff. 8-21-03.)

9 Section 999. Effective date. This Act takes effect upon
10 becoming law.